

MAY

ATTORNEY GENERAL'S
COMMISSION ON RACIAL, ETHNIC, RELIGIOUS & MINORITY VIOLENCE

MEETING AGENDA

AUGUST 26, 1985
CITY COUNCIL CHAMBERS - CITY HALL
RIVERSIDE, CA.

- 9:00 a.m. ✓ Call to Order
- 9:05 ✓ Approval of Minutes - *Sections* *Corrections*
- 9:10 ✓ Scheduling of Next Meeting - *Oct 20-21 - Fresno*
alice - none
Diene - see
- 9:15 ✓ Riverside Human Relations Commission S. Hosea
- 9:30 ✓ Presentation by NAACP Local chapters ✓
- 10:00 ✓ Crime Victims Center - Los Angeles
1 - RIVERSIDE - GRACE LUTHERSON
2 - RALPH BENTANA - OTIS SMITH
3 - SAN BERNARDINO - MARCEL JOHNSON
N. Kless *de agenda*
DEBBIE FREEMAN
- 10:30 BREAK
- 11:00 ✓ Problems of Elder Abuse & proposed recommendations J. Levy
- 11:00 ✓ Human Relations Training Program for Law Enforcement Officers G. Kusunoki - *let conf*
- 11:15 ✓ Problems of Disabled & proposed recommendations L. *letter* Hector Rivera
- 11:45 ✓ SB 2080 Update R. Chavez
- BARBARA WAXMAN
- NORA BALADERIAN
~~D. Miller~~
SCOTT LORIGAN - BCS
MANAGER - SPEC SVCS
- 12:00 LUNCH
- 1:30 p.m. Subcommittee Reports:
Education
Litigation - *alice Lytle*
Legislation - *Diene yn* - *Legis Hrsg - Oct 7 - SF. **
- Report of 5/23/85 Public Hearing

Consideration & Action on Proposed Recommendations
for final report to AG

- 4:00 Public Comments - *ZENAIDA OBTEGA*
- 4:30 Adjourn
Civil Rights Handbook - update

Note: The Commission will meet in subcommittees on Sunday, August 25, 3:00 - 5:00 p.m. at the Quality Inn, Riverside, to develop proposed recommendations and issues for development of its final report to the Attorney General.

ATTORNEY GENERAL'S COMMISSION ON RACIAL, ETHNIC, RELIGIOUS, AND MINORITY VIOLENCE



John Van de Kamp
Attorney General

COMMISSIONERS

Msgr. William J. Barry, Chair
Los Angeles

August 2, 1985

Joaquin Avila
San Francisco

Irma Castro
San Diego

Richard Chavez
City of Commerce

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Vincent Harvier
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Judge Alice Lytle
Sacramento

John Mack
Los Angeles

Leticia Quezada
Los Angeles

Judge Armando O. Rodriguez
Fresno

Dr. Hazel Hawkins-Russell
Riverside

John Saito
Los Angeles

Diane Yu
Oakland

Marty Mercado
Coordinator
(916) 324-7859

Eunice Williams
Riverside Chapter NAACP

Marcel Johnson
San Bernardino Chapter NAACP

Otis Smith
Rialto-Fontana Chapter NAACP

This is to confirm your presentation at the August 26 meeting of the Commission. Enclosed is a copy of the agenda for the meeting. As we discussed, you will each address the problems/issues in your area, and I have allowed 30 minutes for these presentations.

As background information, enclosed is a copy of the Commission's statement of purpose.

Also enclosed is a copy of the questionnaire and proposed guidelines and definitions which you may wish to address.

If you have any questions, please do not hesitate to contact me.

Sincerely yours,

Marty Mercado
MARTY MERCADO
Coordinator

cc: Msgr. William J. Barry
Dr. Hazel Hawkins-Russell

Enclosures

1515 K Street
Suite 371
Sacramento, CA
95814



ATTORNEY GENERAL'S COMMISSION ON RACIAL, ETHNIC, RELIGIOUS, AND MINORITY VIOLENCE

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~~~~~  
Marty Mercado  
Coordinator  
(916) 324-7859

July 19, 1985

## TO COMMISSION MEMBERS:

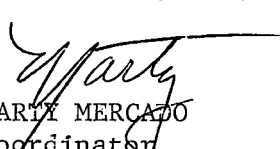
Enclosed are minutes of the March 4, 1985 meeting (at last)! Please let us know if you have any corrections or changes before we send these out to our public mailing. Also enclosed is a Tentative Agenda for the August 26, 1985 meeting.

The meeting as you know is scheduled for August 25 - 26, 1985. We will all be staying at the Quality Inn, 1150 University Avenue, Riverside.

Sunday, August 25 we will be meeting in subcommittees from 3:00 to 5:00 p.m. at the hotel. Monday, August 26 the public meeting will be held at the Riverside City Council Chambers, 3900 Main Street.

Dolores will send you the airline schedule as soon as she has it worked out.

Very truly yours,

  
MARTY MERCADO  
Coordinator

MM:dah

Enclosure

1515 K Street  
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95814

SAN BERNARDINO NAACP BRANCH

1321 W. 21st Street

San Bernardino, California

(714) 887-9937

Morrell Johnson,  
Branch President

EDISON P. MCDANIELS

Attorney at Law

1566 North D Street

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August 25, 1985 (Sunday)

In answering the questions you have drafted, let me make the following observations:

First: The section you refer to is not California Code of Civil Procedure, Section 51.71. The correct code section is California Civil Code Section 51.7(a).

1. Is it clear what responsibility law enforcement officers have to enforce the Ralph Civil Rights Act?

Answer: No mention is made as to who will enforce the act. I do know private attorneys who have brought cases under California Civil Code Section 51.7. (a).

2. In your opinion, why is the Ralph Civil Rights Act not being used more frequently?

Answer: The act does contain sufficient civil damages [See Civil Code Section 52(b) to encourage its use; damages are more easily established under Federal law. [See Title 42 USC Section 1983-1988.].

3. Should there be criminal sanction for violation of the Ralph Act?

Answer: No; there should be an increase in civil damages.

4. How could the Ralph Act be strengthened? What problems do you perceive in doing so?

Answer: The act should call for compensation of a reasonable attorney fee to private attorney's general; and damages should be sharply increased for violation of the act; it should be more publicized.

5. How does the problem of judgment-proof defendants figure into the effectiveness of the Ralph Act? How might this be remedied?

Answer:

6. Should the Attorney General be given more authority to bring civil rights action under the Ralph Act?

Answer: No. This should remain in the hands of private attorneys general; they should be paid out of a revolving fund established for that purpose.

7. Would it be of assistance to law enforcement to have new penal laws directed specifically at violations of civil rights?

Answer: If the act is solely motivated by racial bigotry; yes.

8. What would be the effect or usefulness of providing for sentence enhancements where crimes are found to have been motivated by prejudice or bigotry?

Answer: If such enhancements were found to be true by a jury; the effect would tend to eliminate racial prejudice; provided there would be sufficient publicity given to the findings.

9. What about mandatory jail time such as exists with drunk driving?

Answer: No. Often racial prejudice is just a state of mind; you can't jail a person for his state of mind.

10. It is a criminal violation of federal law to conspire to violate the civil rights of a person. Would such an amendment to the Ralph Civil Rights be useful?

Answer: Yes.

11. What would be the difficulties in prosecuting such a conspiracy complaint, and what should be included to minimize these difficulties?

Answer: Copy the federal code; eliminate the federal requirement of must be acting under color of state law; just make it against the law of the State of California.

12. Are the guidelines and definitions of REMV crimes which are being proposed workable in your opinion?  
What problems do you perceive in the implementation of this definition?

Answer: Not familiar with this program. No comment.

Submitted by

*Morse Johnson*

Morse Johnson, President, NAACP, San Bernardino Branch after consultation with Edison P. McDaniels, Attorney.

*You may also consider the use of rotating judges in Civil Rights matter to eliminate the politics in may a fair and just decision in cases under the Ralph Act.*

CVC

Crime Victim Center, Inc.  
Comprehensive Services for  
Victims of Violent Crime

3875 Wilshire Boulevard  
Los Angeles, California 90010

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# CRIME VICTIM CENTER

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Comprehensive Services for  
Victims of Violent Crime

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CVC

3875 Wilshire Boulevard  
Los Angeles, California 90010  
213/388-3399

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## CVC CLIENTS

The CVC provides help for persons who have sustained injury or have been threatened with bodily harm as a result of a violent crime. For example, our clients include victims of rape, child abuse and sexual molestation, armed robbery, attempted murder, assault, hit and run, and drunk driving.

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## EMOTIONAL REACTIONS TO VIOLENCE

A victim of a violent crime experiences a trauma that would cause signs of distress in almost anyone. These emotional reactions may occur immediately or surface later and may include:

- recurrent and disturbing thoughts or dreams about the crime
- feeling detached and distant from others
- guilt, sadness, tearfulness
- anger and irritability
- mood swings
- difficulty with memory or concentration
- headaches, stomach aches, fatigue or other somatic complaints
- excessive concerns about personal safety
- problems with personal relationships
- flashbacks

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## THE CRIME VICTIM CENTER

Random acts of violence can strike anyone, anywhere; and few people are prepared to deal with the emotional aftermath of a violent crime without help.

The CVC provides crisis intervention, as well as brief and long-term counseling to help victims of violent crime work through thoughts and feelings about the crime, to develop new coping strategies, and to regain a sense of order in their lives.

The CVC staff includes a psychiatrist, clinical psychologists, licensed clinical social workers and marriage and family counselors trained to deal with the special needs of crime victims.

The CVC also offers a network of medical, legal and other specialists as part of a comprehensive program.

When a person is undergoing a crisis which upsets his or her equilibrium, it is important that help be coordinated through one place.

The CVC is that place. 213/388-3399

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## CVC SERVICES

- medical, psychological and psychosocial evaluation
- individual, group and family counseling
- coordination of medical, legal and social service needs

- victims' rights information and assistance
- self defense/crime prevention classes
- community education
- training for medical, mental health, social service, law enforcement and other professionals dealing with victims of violent crime
- consultation to other agencies and professionals
- research
- staff on-call 24 hours
- all services available in Spanish

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## FEES

The CVC is a non-profit community service organization.

The State of California has a fund to reimburse residents who have suffered injuries causing a financial loss due to a crime of violence. For persons eligible, the CVC will wait for reimbursement through this fund, and there is no out-of-pocket expense.

The CVC also accepts private health insurance and provides professional services on a lien basis for persons filing civil suits.

For details of eligibility for compensation through the State Victim of Violent Crime fund, alternative fee arrangements, and any additional information; please call the Center.

Tax-deductible donations are welcomed.

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# CRIME VICTIMS

Now they have  
a place to go.

By Jennifer Allen

The victim is a foreign student, whose family was opposed to his studying in the United States because of the country's high crime rate. One evening, he agreed to drive home a friend of an acquaintance. The passenger pointed a gun at him, demanded his money and shot him in the hand.

The student, fearful of his family's reaction, has chosen to keep this incident from them. And since he hasn't allowed himself an adequate recuperation period, he remains apprehensive. He is suffering from a condition known as "post-traumatic stress disorder."

Violent crimes — rape, battery, child abuse, sexual molestation, kidnapping, armed robbery, attempted murder, assault and hit-and-run or drunk driving, among others — are no longer confined to certain areas of a city. Although statistics in the past two years indicate a decrease in the California crime rate, the state still tops the charts along with Florida and New York as principal centers of high crime.

And here, in Los Angeles, where crowded living conditions are exacerbated by transients and unemployment, the tension mounts.

The Crime Victim Center, located at 3875 Wilshire Blvd., is attempting to ease the trauma incurred by victims of violent crimes by offering a comprehensive network of social workers, psychologists, lawyers and doctors. These professionals deal with victims' needs in terms of emotional, psychological, medical, legal and social counseling.

The procedure to receive treatment is relatively free of red-tape hassles. Clients are first evaluated by the medical director, Richard A. Miller, and a social worker — either Kless or Blanca Arias, the center's full-time bilingual aid. After assessing the victim's needs, he or she may be referred to other physicians

*"Victims experience trauma similar to that of Vietnam veterans returning home, such as irritability, sleeping disorders and flashbacks."*

— Nancy Kless, the Crime Victim Center

associated with CVC, community agencies, attorneys or vocational rehabilitation services.

Since it opened its doors last May, the center has experienced a constant flow of community residents seeking treatment. Nancy Kless, the center's executive director and founder, explained the chronic disorder shared by victims of violence: "Victims experience trauma similar to that of Vietnam veterans returning home, such as irritability, sleeping disorders and flashbacks."

According to Kless, a licensed social worker, victims often receive negative feedback from their immediate environment which does nothing to alleviate their

(Continued on page 9)



Nancy Kless started the Victim Crime Center to help individuals deal with the psychological trauma of such violent crime as the events pictured here, which involved a double stabbing at a fast-food stand last year at Washington Boulevard and Hoover Street.



Michael Justice/Metro Herald

## Crime Victim Center

(Continued from page 1)

internal turmoil. "Sometimes the family gets distraught and angry, and they blame the victim for what has happened," Kless said.

Having lived in Madrid, New York, Philadelphia and Chicago, Kless knows what it means to live in feverish centers of poverty and crime. "Los Angeles is misleading," she explained. "Because everyone appears so laid back, it seems safer and people are less on guard, whereas in New York, the pace is faster."

The scars of a traumatic experience — any situation in which a person's life is threatened — can last for years, sometimes a lifetime. "It doesn't have to be physical activity, just the threat of having a gun pointed at your head is enough to create problems," Kless said.

"Once people lose their trust, they feel more vulnerable — and there's the recuperation period.

Penetration into the body is the most traumatic violation. And if the assailant was an acquaintance/family member it's more of a problem because their trust has been shattered."

Having worked at hospitals and other social service centers, Kless designed the center to meet counseling needs. Prisoners and their families are able to go through rehabilitative programs, she said, and people who are injured can get patched up at hospitals. What she has created is a facility to deal with the emotional aspects of individuals who have suffered great trauma.

Although the center has a range of clientele from various economic and social sectors, the majority of clients are women. Kless attributes the differentiation to social factors.

Ironically, the majority of men visiting the center are of Spanish descent, coming from a traditionally patriarchal culture.

"People don't realize that men experience similar traumas and

that it's OK to have those symptoms," she said. "Men, in particular, don't acknowledge their feelings in uncomfortable situations such as this." When people repress feelings of anger and fear — a common occurrence in life threatening situations, according to Kless — the memory of the crime tends to linger.

Still in its first year, the center has made great progress in its mission. But this is just the beginning. Kless envisions a multipurpose community center where individuals, families and groups can participate in self-defense and crime prevention workshops. She is also hoping to educate professionals to lead workshop discussions. Another goal is the development of a multilingual faculty which could better answer the needs of the melting pot known as Los Angeles.

To be eligible for treatment, the victim must be a resident of California who has sustained bodily injury or has been threatened with

bodily harm as a direct result of a violent crime.

The service, which is free of charge, enables victims to receive treatment without economic restraints. "The victims have been through enough crisis without having to pay counseling bills as well," said Kless. This means that CVC specialists may wait up to a year to be paid for their services. Their fees are provided through the Victims of Violent Crime Fund.

Since the passing of Proposition 8, the "Victim's Bill of Rights," victims of violent crimes have received added attention in the courts. Part of the initiative enables victims to receive reimbursement for unpaid medical bills, wage losses and job retraining. However, in some cases, financial reimbursement does not solve the entire problem. That's where the Crime Victim Center comes in — to solve the damage by means of counseling and guidance — something money can't always buy



# Wilshire Press

## The Crime Victim Center

WEDNESDAY, JANUARY 16, 1985

### Helping victims through the terror

By Adrienne M. Byers

Her first experience working with victims of violent crime was helping battered women in Santa Monica during the late '70s. Later, assisting in a hospital noted for its warm, immediate care of rape victims, Nancy Kless discovered another kind of victim — one who needed as much special therapeutic attention, but often didn't receive it. People who had been shot, stabbed, beaten — or even just threatened with an act of violence — experienced traumatic reactions similar to those of Vietnam veterans and natural disaster or automobile accident survivors, Miss Kless maintains. So she founded the Crime Victim Center, 3875 Wilshire Blvd., to help them.

A 34-year-old New Jersey native, Miss Kless holds degrees in psychology and social work, and has lived in her share of big cities, where studies show that one out of six urbanites will become victims of crime. Once a burglar entered her apartment while she was sleeping, took some items, and left her undisturbed. When she awakened and discovered the theft, she was relieved but nonetheless shaken from knowing what could have happened.

People who fared less fortunately during encounters with criminals are offered emotional, psychological, medical, legal and special services at CVC. The main focus is on crisis intervention and psychotherapy, "to help them get through the trauma," Miss Kless, who is also the center's director, explained. When a client calls (often distraught and referred by paramedics, hospitals, police detectives or agencies), he or she is immediately given reassurance.

"Most of the time, people are feeling feelings they've never felt before," she noted. "They feel fearful, vulnerable, have trouble being places they used to feel safe in. All of a sudden, the world looks very dangerous."

Within the next few days, the client usually visits CVC for a preliminary consultation with the medical director, Richard Miller, and either Miss Kless or Blanca Arias, who is also a social worker. The client is asked to fully recount the incident and supply details on whether the assailant has been arrested or is still at large, involvement in investigative processes with police, ongoing medical or past psychiatric problems and the status of existing "support networks."

"That's a real important variable," Miss Kless pointed out. "If people have family and friends that are around them and supportive, it really helps the recovery process."

That process included a "working-through" therapy, which allows clients to express feelings about the incident and alleviate post-traumatic stress manifestations like irritability, insomnia, anxiety, psychosomatic illnesses and depression.

The director believes it is vital for friends and family of violent crime victims to be virtual pillars of strength during the crisis period, explaining that "What a person really needs is for someone to be willing to listen without getting rattled. Also, the crime victims need more than emotional support — they need someone who's willing to drive them to the doctor ... who will understand when they are afraid to go out at night. They need understanding

Often they get labeled 'paranoid. It's not paranoia, it's real fear.'

Why are people not more aware of the intense turmoil crime victims suffer? The answer, according to Miss Kless, is quite basic.

"In order for people to go through their lives and feel safe, people tend to block out danger — they don't want to feel vulnerable. Putting attention on crime victims makes people feel vulnerable. And blaming crime victims makes it explainable."

Many harbor the attitude that if they "take care of themselves and do all the right things," they will not be victimized, she added. Of course, an ounce of prevention outweighs a pound of cure. Miss Kless emphasizes the importance of maintaining constant awareness of external surroundings, securing homes and apartments and taking sensible precautions while driving.

But even the most careful people can become victims.

According to national statistics, there were 4.6 million assaults reported in 1983. Yet, two-thirds of all crimes are never reported, Miss Kless noted. U.S. Department of Justice statistics for 1981 revealed that twice the number of men as women (per 100,000) were assault victims, yet CVC, like many service-oriented agencies, is visited mainly by women.

"With men there are some identity issues," she explained, "men who think 'I should've been able to fight him off.'" But lately, more men have been CVC clients — many of them recent U.S. arrivals from war-torn countries like El Salvador who are terribly disillusioned when the "land of opportunity" turns out to be

a violent reflection of the homeland they fled.

CVC currently treats about 30 clients, a number of whom have been there since the center's May 1984 inception. After a client has returned to at least a pre-crisis level of functioning, said Miss Kless, treatment ends by mutual agreement with the therapist.

However, the director, who is researching the myriad effects of crime on victims and rehabilitation methods, observes that many people emerge from their ordeals changed.

"Their view of the world has altered," she said. "They have to accept who they are now."

For Nancy Kless, dealing daily with victimized people has required her to make her own personal adjustments.

"It takes a lot of experience to get to the point where it doesn't affect you," she admitted. "It used to affect me more; I (still) go through my periods of being afraid, or (feeling) like I'm going to get it, too."

But she knows if she "falls apart," and shares the traumatic emotions of her clients, she will be useless to them.

"Not that I haven't had tears come to my eyes, but if I start to feel the way they're feeling, I can't help them."



**CRISIS INTERVENER** — The Crime Victim Center offers a variety of legal, medical and social services designed to assist victims of violent crimes overcome the debilitating physical and psychological effects which often result from their ordeal. Nancy Kless, a licensed clinical social worker, founded and directs the center at 3875 Wilshire Blvd. She believes that treatment of such victims is a relatively new field, and has trained doctors,

nurses, paramedics and social workers to help foster greater awareness. Clients pay no out-of-pocket fees for CVC treatment according to Miss Kless; the center is usually reimbursed through the state's Victim of Violent Crime program funds. Eventually, the director hopes to expand the facilities and open satellite centers in other cities. Phone: 388-3399. (Delmar Watson Photo)

# READER

May 3, 1985 READER

## Where Can Crime Victims Find Solace?

Local Center Caters To a Group Whose Pain Is Often Ignored

□ By Robin Quinn

*Around 1:30 a.m. on a Saturday night, Linda, a middle-aged manager of a marketing company, drove her red Datsun from the alley and into a dark garage. Suddenly, she heard a crash as the garage door slammed shut. Immediately she turned on the light inside the car, and her eye caught some movement outside the right window. She looked over and saw a hunting knife held in a man's hand. She began to scream loudly as she honked her car horn over and over again. The man disappeared.*

*It was 5:30 p.m. on a Thursday evening, two days after Christmas. The sky was darkening as Kathleen, a bank executive with two children, made her deposit in the automatic teller machine. As she walked across the parking lot, a man began screaming and he rushed toward her. Without warning, his fist struck her face, battering her nose and upper lip. Her nose began to bleed. He then threw her to the ground and dragged her across the rough pavement as he grabbed for her wallet.*

Linda and Kathleen are only two of the over fifty-six thousand Los Angeles residents assaulted in this city every year. And like many victims of violent crime, their difficulties did not end the moment the muggings were over.

"People think the crime is the crisis," says social worker Nancy Kless. "It's not really true. The crisis occurs later when the person's normal ways of dealing with stress don't work."

Kless is the founder and director of the Crime Victims Center (CVC) in Los Angeles. She developed the idea for the center after discovering that counseling was provided for rape victims and battered wives at the hospital emergency room where she worked but not for the general crime victims.

**M**any of their clients suffer from a reaction known as post-traumatic stress syndrome. The symptoms may surface immediately or may be delayed for weeks or even a year after the crime. Sufferers are often overcome with paranoia, a fear of being out after dark, or a fear of leaving their homes. They may suffer physical reactions such as hyperventilation, insomnia, or skin rashes. They could start to relive the assault, thinking about it often, perhaps dreaming about it. Some even experience flashbacks like those described by Vietnam veterans.

"Any crime victim who is feeling uncomfortable at all should call us," says Kless. "He and she may have suicidal thoughts. It may be affecting their work or personal relationships, or their symptoms could be very minor."

Up to \$23,000 in aid is available for Californians who have been victimized by a violent crime under the Victims of Violent Crime program.

"The sum of \$23,000 sounds like a lot of money but it's not," says CVC's medical director Richard Miller. "Take the victim who has been stabbed forty times and is in the intensive care unit. At a rate of \$750 a day, the money doesn't last very long."

**C**lients of CVC say that one of the most valuable services the center provides is personal support. Ironically, well-meaning friends and relatives can stifle the victim's recovery by making victims feel responsible for the incident or by rushing them through the healing process.

"You try to go on with your life and be all these things for different people but you need a place to vent all the feelings inside you," explains Kathleen. "You feel you're expected to push down the feelings and be who you were before. But if you do that, you become a pressure cooker."

Kless says it's essential that friends and family take the time to listen to the crime victim even though it may be difficult. She says concrete assistance, such as accompanying the victim to the doctor or to court, is helpful. In some cases, the victim may need a companion to walk him to his doorstep each night until he's worked through some of the trauma.

The victim is in the process of adjusting to a world that they now recognize as dangerous, adds Kless. They're reevaluating who they can trust.

"It's important to recognize that they must have done something right," says Kless. "They survived." □

# Wilshire Press

WEDNESDAY, APRIL 24, 1985



**VICTIMS' RIGHTS** — The newly formed Victims' Rights Coalition held a press conference to commemorate National Victims' Rights Week, April 14-20. From left, stand: Alex Vargas, director of the Los Angeles City Attorney Victim-Witness Assistance Program; Coleen Davis, chapter leader of Parents of Murdered Children; Arlene Joye, secretary of Mothers Against Drunk

Drivers; Mary Woods; Nancy Kless, executive director of the Crime Victim Center; and Los Angeles Police Capt. Roy M. Randolph. The coalition formed last year to unify victims' rights groups through networking and data exchange, organize outreach programs, recruit attorneys to conduct legislative/judicial advocacy on victims of violent crime. (Delmar Watson Photo)

TESTIMONY

by Barbara Faye Waxman

Attorney General's Commission On Racial, Ethnic,  
Religious and Minority Violence

August 26, 1985

I want to thank the Commission and its members for hearing my testimony on violence towards people with disabilities.

I am a consultant in disability and public policy, and for the past seven years have been working closely with the family planning, disability, and sexual assault service delivery systems. Most recently, I with Nora Baladerian, completed a sexual assault protocol on disabled people for the Los Angeles County Commission On Women.

Disabled children and adults are at high risk to be assaulted. Little data exists which could affirm this statement. What I have to bring you today then, is based on observation and clinical experience, rather than the studies needed.

I am going to begin my testimony by outlining the social position of disabled people. A basic understanding of this position is a necessary preliminary to an understanding of the unique problems disabled people face from assault.

Disabled people are represented in all racial, religious, class, age, and lifestyle groups in our diverse population, but also comprise a distinct minority group which share a common experience of institutionalized segregation, social isolation and political disenfranchisement. Like other stigmatized groups such as women, old people, and ethnic and racial minorities, disabled people have been subjected to and targeted for violence.

The problems disabled people encounter generally, as well as in relation to assault are based partly on our functional limitations, which in many cases imposes some degree of dependence on

others, such as our parents, personal care attendants, residential service providers, teachers, janitors, bus drivers, sheltered workshop administrators and line staff, psychologists, nurses, physicians, physical therapists, and independent living specialists. However, our problems are rooted in, to a greater extent on the social devaluation imposed upon and experienced by all people who have disabilities.

Oppression particular to the disability community is recognized most appropriately as "handicappism." Pivotal to handicappism is the erroneous assumption that inequalities between disabled and nondisabled members of society can be attributed to the alleged biological inferiority of people with disabilities. In fact, disabled people are oppressed by environmental barriers, bigoted attitudes and discriminatory social policy, rather than by our disabilities.

We are expected to surrender control of our lives to others. We are viewed as chronically helpless and dependent, thus vulnerable and victimizable. The most common terms used to identify people with disabilities are "patients", "cases", "the victim of", "invalid", "deformed", "wheelchair-bound" and "defective". All these terms are perjorative and reflect a prejudice that disabled people are passive or perhaps even subhuman. Therefore we are easier to objectify, which is what assailants do.

According to a 1980 DHHS report, 17.5% of people with disabilities exist below poverty level, as compared to 11.5% for nondisabled. As many as 75% of disabled people who are job ready are unemployed. Many disabled children still learn in segregated schools and receive below standard education. We often live, especially if we have a developmental disability, in some type of institutionalized setting, and work in sheltered workshops.

Let us now examine how these prevalent social conditions are connected with assault.

Our social status and role in society sustains us as an impoverished minority separate from the mainstream. This segregation furthers the mythology that people with disabilities are different. Segregation has meant that few nondisabled people have contact

with members of the disabled community. This results in suspicion of disabled people and ignorance about the realities of our lives; Isolation continues the disabled person's dependency on others, including the abuser, and keeps disabled people ignorant of information, and fearful and unable to use the "system," which would otherwise help us identify and report assault. Thus, violence towards disabled people is kept invisible.

Let us now examine some specific groups of disabled people.

In the 1960's and 70's, many chronically psychiatrically disabled men and women were deinstitutionalized. Deinstitutionalization was a promising concept, but lack of funding and of understanding of the community-based needs of this new population, made the attempt disastrous. These people have now become the majority of our cities' homeless. Consequently, these men and women, are perhaps the most vulnerable to street crime including rapes, stabbings, and beatings. One response is to suggest re-institutionalization. However, institutions are rarely safe places. An NIMH study does show that 81% of assaults against institutionalized mentally disabled people are committed by hospital staff.

Another vulnerable group are adults and children who live in state licensed facilities. A summary of licensing violations is included with my written testimony. These violations include corporal punishment of residents by the licensee by hitting them with hands and a broomstick; sexual assault of residents by other residents and facility staff; and threats with a knife at the resident by the licensee. Knowing what we do about the lack of rights experienced by people in such facilities, we can assume that many, many such incidents go unreported.

The findings of the Seattle Rape Relief Developmental Disabilities project are instructive. This program went into the disabled community and made an active attempt to have sexual assault reported to them. They estimated that even with this vigorous program of community education and information gathering, only 20% of such cases were reported to them. This suggests that the reporting rates are much lower <sup>when</sup> no program links with this population. The project further estimated that there may

be as many as 30,000 disabled persons sexually assaulted in Washington State each year; 99% of the time by someone known to them as compared to 45% for the nondisabled group. This data does not account for other types of violence towards disabled people, such as wife battering, neglect, and battery.

The Assault Prevention Training Project in Columbus, Ohio, maintains that more than 90% of all sexual assaults of disabled people go unreported. They attribute this high statistic to the victim's lack of information about how to report, the fear of being blamed for the assault, the fear of retaliation by the assaulter, and the fear of not being believed. This last fear is reinforced by bigoted attitudes by police such as, "who would want to rape a blind woman," which was reported to me by a client. This statement not only equates rape with sexuality, and disability with asexuality, but re-objectifies and re-victimizes the rape survivor. The fear is further reinforced by the unavailability of accessible sexual assault services for men, women and children with visual, hearing, developmental, physical, psychiatric, and learning disabilities. These assault survivors fall through the cracks, when more often than not, sexual assault services do not know how to serve them.

The 1982 report by the National Committee for Prevention of Child Abuse entitled, The Disabled Child and Child Abuse, states though "no study has established a definite cause and effect relationship between disabling conditions and abuse, several studies have indicated that there is a correlation, and professionals believe that [disabled] children do constitute a high-risk group for abuse." One study reported that out of 50 cases of abused children, 4 were retarded, 2 had neurological disabilities, and 7 had physical disabilities. The National Committee has found that potentially abusive parents have very low tolerance for and are unable to cope with great stress, especially if the child's disability results in shock, guilt, depression, anxiety, resentment, fear, or personal feelings of defect. These children are possibly abused into adulthood, and/or until they no longer live with their families.

There are children and adults/who, whether or not they had a disability before the attack, acquire a new one as a result of the attack. This population may include the vary groups this Commission is studying. The acquired disability may be amputations, head trauma, spinal cord injuries, blindness and burns. The 1962 study by Kemp found that 85 of 302 abused children resulted in permanent neurological disabilities. I have not seen any recent data of this occurrence on children and adults in California.

Based on my testimony, I offer the Commission the following recommendations:

RECOMMENDATION

The Attorney General's office should instruct law enforcement agencies throughout the state to include in their data collection systems, information on disability. Such information is non-existent, and is necessary to develop programs to serve this community.

RECOMMENDATION

A statewide survey should be undertaken by the Attorney General's office of victim assistance programs, and rape hotlines and crisis centers. Such a study would provide the necessary information to determine where the service gaps are, as well as the training needs of these professionals.

RECOMMENDATION

The Crime Prevention Center of the Office of the Attorney General should expand their program which assists the disabled community in becoming aware of prevention and personal safety. Funds should be identified to train disabled persons in assault prevention, who could then work within the disabled community regarding these matters. A new area of employment could then be open to disabled people.



RECOMMENDATION

The Attorney General's Office should instruct victim assistance programs to develop effective information and referral sources to the disability service delivery system. Such referrals would assist those victims of crime who acquire permanent or temporary disabilities, as the result of their attack.

RECOMMENDATION

The Attorney General should instruct the state funding agency for battered women's shelters to evaluate its policies which require these agencies to accomodate people with disabilities. On-site visits to these shelters will ensure compliance with state and federal accessibility regulations.

RECOMMENDATION

Legislation should be enacted which establishes stiff penalties for state funded personal care attendants who are found to abuse their disabled employer. These attendants, paid through state In Home Support Service funds, should be considered and treated as state employees by the courts.

RECOMMENDATION

The Attorney General's Commission On Racial, Ethnic, Religious and Minority Violence should establish a study which evaluates the need for additional protections against abuse of disabled people by their family members.

I'd like to end my testimony by commenting on one other matter. I appreciate the amount of work this Commision has undertaken. I know from my own experience serving on a commission, that the work involved just representing one's own interest group, and generating a report which effectively represents its problem, can be enormous. Studying a second interest group which had no representation and which the Commission is virtually unfamiliar with can especially seem unmanageable.

This Commission did not have disability representation during its first year of existence. It did little to change the situation. In speaking with my colleagues working in disability policy throughout the state, they informed me that ~~not one of~~ not them were called on to fill this void, nor did many of them ever hear about this Commission.

Just last week, after being informed About the Issue Papers and Recommendations regarding disability, I called the Human Rights Resources Center in Marin asking them how they developed it. I was told that they did not receive any material from the Commission which would help them to develop an issue paper and recommendations from a disability perspective.

I bring this up now because I'm angry that violence towards disabled people is possibly a bigger problem than we now realize. I believe that the reason the Commission has allowed disability to be unrepresented for one year, is the same ambivalence that society as a whole feels towards us. Disabled people generate fear because we personify vulnerability and mortality. We remind others perhaps unconsciously, of their own dysfunctions. This is a psychological element in why abusers hurt us. It is why, I believe, our issues are persistently being overlooked, both socially and politically.

The violence we experience is behind closed doors. It is believed that assault can be prevented by locking an individual in a protective environment. Now we know that the person doing the locking up may be the one doing the assaulting. It is also sometimes believed that sterilization would prevent rape, and sterilization has been done for that reason. Disabled individuals have been abused in the name of preventing abuse.

Prevention programs cannot be designed and violence cannot be done away with, until this Commission and society accepts that hostility and discrimination towards my community is both pervasive and intolerable.

AGING AND DISABILITY COMMITTEE

LICENSING VIOLATIONS REPORT (Summary of Actions Against Licensed Community Care Facilities for Aged and Disabled Persons for February through December, 1981)

A. Actions Completed

1. Adeline's Board and Care Home (Adeline and Agepito Alvarado)  
Target Group: Aged Adults (6)  
Applicable Regulation Section: California Administrative Code (CAC), Title 22, Division 6, Section 80341  
Violation: Bruising of resident caused by Mr. Alvarado pulling and dragging client to toilet; fracturing/bruising of other client; no information as to how caused.
2. Goodlow Adult Family Home (Ivy Goodlow Brown)  
Target Group: Adults (number or exact client group not indicated)  
Applicable Regulation Sections: CAC Title 22, Div. 6, Sections 81055 and 80403.  
Violation: Resident suffered burns, overall physical condition became so deteriorated, he was hospitalized.
3. Hinkle Home (Mr. and Mrs. Orville L. Hinkle, Jr.)  
Target Group: ambulatory children or adults (6)  
Applicable Regulation Sections: CAC Title 22, Sections 80341 and 80404.  
Violations: Making resident sleep in hallway because he had wet his bed; residents forced to wear athletic supporters to control masturbation; one occupied bedroom being used as a passageway to another bedroom.
4. Hughes Family Home (Shirley M. Hughes)  
Target Group: Family home-adults (2)  
Applicable Regulation Sections: Health and Safety Code (HSC) Section 1550 and CAC, Title 22, Sections 80341, 81055, and 81057.  
Violation: Not allowing resident to change dirty clothes to clean clothes after vomiting or spitting on self; yelling at resident in demeaning manner in front of other persons.
5. Heritage Ranch, East; Heritage Ranch, West (Marjorie and Donald McKissick)  
Target Group: West: Group home, adults (32); East: Group home, adults (2)  
Applicable Regulation Section: CAC, Title 22, Section 80341(a)  
Violation: Licensee held knife to head of resident and threatened to cut "Z" in penis if resident did not discontinue certain behavior (unspecified).

A. Actions Completed (continued)

6. The Academy (George and Rozalia Moisi)  
Target Group: large family home-adults  
Applicable Regulation Section: CAC, Title 22, Section 80341  
Violation: Various nonconsensual sexual advances by male licensee toward female residents.
7. Hillside Haven (Harold and Inez Waybright)  
Target Group: developmentally disabled adults (6)  
Applicable Regulation Section: MSC Section 1550(c)  
Violation: Licensee beat a resident with cut-off water hose; struck residents with bat; threw one resident's clothes out of the window and told her to leave and not come back; threatened resident that she would kill her if she told anyone how she was treated.

B. Actions Pending

1. Capitol Guest Home (Zoilo C. and Luz F. Cerdana)  
Target Group: group home-adults, age 18-64 (26)  
Applicable Regulation Section: multiple regulation violations; most pertinent one: CAC, Title 22, Section 80311  
Violations: Not filing reports on certain incidents including: one resident brutally striking another; same resident threatening to kill another resident; same resident was discovered having sex with a sixteen-year-old boy.
2. Bonnie Brae Board and Care (Cyngizer, Adam and Sofia, and Glosman, Moisei and Sofia)  
Target Group: Group home-mentally disordered adults (83)  
Applicable Regulation Section: Multiple; most pertinent: CAC, Title 22, Section 80341.  
Violations: Sheer curtains were used on the windows in the residents' room and did not allow privacy. (This is among a laundry list of serious deficiencies in meeting the requirements of sanitation, record keeping, personnel and safety regulations.)
3. Claremont Sheltered Care Center (Helen Fitch)  
Target Group: Group home-adults (49, of which a maximum of 6 may be nonambulatory).  
Applicable Regulation Section: CAC, Title 22, Section 80404  
Violations: Belongings and clothes of residents were piled in front room where residents live used as passageway for six residents living in back room.

B. Actions Pending (continued)

4. (See Henderson's Home in Education and Counseling Committee Report)

5. Belmont Heights Manor (David J. and Ketta Kane)

Target Group: group home-adults (22)

Applicable Regulation Section: CAC, Title 22, Section 80341

Violation: Residents not informed of personal rights.

6. Lee's Guest Home (Helen Lee)

Target Group: Ambulatory adults (6)

Applicable Regulation Sections: CAC Title 22, Sections 80341, 80342, 80401.

Violations: Severe physical abuse: slapping, hitting, beating up resident; forcing resident to sleep on couch in facility that is a different one than the one in which she resides.

7. Willowick Complex (Keith I and Shirley L Petty)

Target Group: group home-developmentally disabled, ambulatory adults (34)

Applicable Regulation Section: Multiple, most pertinent: CAC, Title 22, Sections 81255(a), 80051(a).

Violations: Various violations in finances, medical needs medication storage and dispensing, and condition of facility; violation pertinent to above section involves lack of personal hygiene care to clients and insufficient assistance in dressing clients in appropriate clothes and undergarments.

8. Roan's Rest Home (Elizabeth and Pierre H. Roan)

Target Group: Aged (14, 5 of which may be nonambulatory)

Applicable Regulation Sections: CAC Title 22, Sections 80341 80403.

Violations: Personal hygiene needs of clients not met (client not bathed); refusal to allow visits by daughter of client and refusal of visits by friends/family to other clients; use of physical restraints on clients.

9. Satori Home #1 and #2 (Satori Community Homes, Inc.)

Target Group: #1 ambulatory adults (20); #2 ambulatory adults (5)

Applicable Regulation Sections: CAC Title 22, Sections 80321 and 80341.

Violations: Caretaker (Ruby Rowland) sexually abused female resident by pushing her on a bed, rubbing her between the legs and in the face with a toy snake and making references to the resident having sexual relations with her father; placing her hands inside resident's clothing and making sexually exciting comments; corporal abuse and demeaning remarks are also cited.

10. Townsend Care Home (Carolyn A. Townsend)

Target Group: developmentally disabled adults (4)

Applicable Regulation Sections: CAC, Title 22, Sections 80321 and 80149

Violations: Corporal punishment of residents including hitting them with hands and a broomstick.

## COMMISSION ON PERSONAL PRIVACY

107 South Broadway, Room 1021 • Los Angeles, CA 90012  
(213) 620-5269 • ATSS 8-640-5269



January 7, 1982

Commissioner Stephen Schulte  
1213 N. Highland Ave.  
Los Angeles, CA 90028

Dear Commissioner Schulte,

Attached are the summaries of licensing violations for your committee and for the Aging and Disability Committee. These are brief summaries of legal documents that comprise the files on facilities whose operators have so grossly violated licensing regulations as to warrant closure of the facility or denial of a license to operate a facility.

Some of the violations are taken out of context and often represent only one of many violations of licensing regulations. However, with the facilities involved in the care of children, when a license has been suspended, revoked or denied due to sexual abuse or exploitation, that was frequently the only gross violation of the regulations.

The total number of cases in the licensing files was 101. Thirty six of these were summarized for you and Nora. Nineteen of the thirty six were in facilities licensed for the care of children.

It is important to note that the incidences of sexual abuse and exploitation were more frequent and more severe in the facilities licensed for the care of children. Also, as you may recall from our Youth Authority visits, most of the youthful offenders have previously resided in a foster family or group home setting such as these.

I hope this information is helpful to you in your study of institutionalized youth. Please call if you have any further questions ((916) 322-2809).

Sincerely,

Ellen E. McCord  
Governmental Liaison

cc: ~~Nora~~ Baladerian  
Kay Coulson  
Anne Bersinger

EDUCATION AND COUNSELING COMMITTEE

LICENSING VIOLATIONS REPORT (Summary of Actions Against Licensed Care Facilities  
for Preschool and Foster Care Facilities for February through December, 1981)

A. Action Completed

1. American Youth Foundation (Hilltop House, Normandie House and Westmoreland House)

Target group: Foster Youth

Applicable Regulation Section: General Authority of the California Administrative Code (CAC), Title 22 and the Health and Safety Code (HSC).

Violation: This is a stipulation that puts the facility on probation and stipulates the requirements for the facility to retain its license. The points in the stipulation may be proposed by either the facility or the Department and may not relate to a regulatory provision, but relates to the nature of the problem with the facility. Stipulation States in Part: "AYF will maintain an intake policy which shall include: (a) not accepting residents whose histories indicate violent behavior, drug dependency, homosexuality, developmental disabilities, or arson..."

2. Celebration House (Celebration, Inc.)

Target group: group home - children (48)

Applicable Regulation Section: CAC Title 22, Sections 80521, 81207.

Violation: 1) Nude bathing with residents and staff; 2) sexual relationship between resident and staff condoned by staff; 3) payment of two residents to be photographed while participating in sexual activity; and 4) facility operator placed hands on breasts and between legs of resident.

3. Carter Family Home (Marilyn A. Carter )

Target group: small family home-children (2)

Applicable Regulation Section: HSC Section 1550 (c); Penal Code Sections 261, 288, 288a.

Violation: Resident male of facility had sexual intercourse with 9 year-old client of facility.

4. Winfred and Claudia Cobleigh

Target Group: day care-children (approx. 4)

Applicable Regulation Section: CAC, Section 86037

Violation: Alleged sexual misconduct toward female child under care of the facility by the licensee's 16 year-old son.

A. Actions Completed (continued)

5. Isabel's Nursery School (E. James and S. Isabel Meachem)  
Target group: Day care -children (45)  
Applicable Regulation Section: CAC, Title 22, Section 80341(a);  
Penal Code: 647(a).  
Violation: Licensee had photographed young female clients (age 3 to 5 years in the nude; licensee was witnessed fondling young client's buttocks and kissing young female client on lips while holding her on his lap.
6. New Trails Residential School, Inc.  
Target Group: group home-children  
Applicable Regulation Section: CAC, Title 22, Section 80404  
Violation: Residents were required to use an occupied bedroom as a passageway to get to the bathroom.
7. Stanley and Lanova Premer  
Target group: foster family home - 1 child  
Applicable Regulation Section: ESC, Section 1520(b)  
Violation: Licensee (Stanley) sexually molested 6 year-old foster child placed in home.
8. Richard and Cicely Stafford  
Target Group: foster family home  
Applicable Regulation Sections: CAC, Title 22, Sections 80341, 85129, 85131, 80323, 85123, 80407, 85121, 85127, 85171, 80409, 81005, 85141.  
Violations: Extreme emotional and physical abuse of 3 year old, 5 year old, and 9 year old foster children, some of which involve the children's privacy, such as: not providing clean underwear, threatening and demeaning children and not allowing children to telephone or visit natural parents.
9. Stratton Family Home (Ronald William Stratton)  
Target group: foster family home-children (5)  
Applicable Regulation Section: Health and Safety Code, Section 1550(c)  
Violations: Kept sex paraphernalia in a bag in a closet where accessible to boys in home and boys in neighborhood; Licensee had 3 minor boys tie him down and told them to do anything they wished to his body, including pouring hot wax on it.
10. Maxine L. Watts  
Target group: Child day care (41)  
Applicable regulation section: CAC, Title 22, Section 80807(a)  
(Violation had occurred when applicant was in charge of family foster home in 1976 and 1977).  
Violation: Not meeting personal hygiene needs of foster children under her care. (Children were not adequately bathed or clothed.)



A. Actions Completed (cont.)

10. Maxine L. Watts (cont.)

Note: This was a denial of a license for the child day care center based upon this and other violations under previous licenses.

11. Kiddie Corner Christian Preschool (Patricia Frances Young)

Target Group: Preschool children

Applicable Regulation Section: CAC, Title 22, Section 31239(a)

Violation: Corporal punishment and demeaning remarks used to control behavior of children.

B. Actions Pending

1. Joe L. and Elizabeth H. Cornejo

Target group: small family home-children (6 max)

Applicable Regulation Section: CAC, Title 22, Section 80149(a)(3)

Violation: Male licensee engaged in sexual intercourse with 13 year old female foster child and attempted sexual intercourse with a 15 year old female foster child.

2. Henderson's Home (Carrie Henderson)

Target group: small family home-mentally disordered children (3)

Applicable regulation section: CAC, Title 22, Section 80341, 80403(f);  
HSC 1550

Violations: Several episodes of severe corporal punishment including slapping, whipping and throwing clients; one incident involved spouse of licensee (Richard) using a resident as a shield while in argument with licensee who was threatening Richard with a gun; locking residents in closets.

3. Evergreen Christian Preschool (Rodney W. Long)

Target group: preschool center-children 2 to 5 years old (24)

Applicable Regulation Section: CAC, Title 22, Section 80341(a);  
HSC, Section 1550 (c).

Violations: Incidences of sexual abuse and corporal punishment by licensee and employees to a number of children, male and female, ages 3 to 5 years.

4. Grandma's Place (Myrl Maxwell)

Target group: large family day care home

Applicable Regulation Section: HSC 1550(c)

Violation: Son of licensee was allowed or permitted to sexually molest male children aged 3 to 10 years, while children were receiving care and supervision in the facility.

parents, allowing them to share their feelings with others and to gain the support and understanding that relieve stress.

Someone to care for the child, giving the parents respite from constant care and responsibilities, is essential. The immediate and extended family can be especially helpful. Parents should be told about available community services. They must also have a life of their own, and so must other family members. Life should not revolve solely around the disabled child.

### **How can parents locate programs for disabled children in their own communities?**

A good beginning would be to contact the organizations listed at the end of this pamphlet and to look in the Yellow Pages under "Social Service Organizations."

### **How can parents find out about financial help?**

Parents could start by calling their local chapter of the Association for Retarded Citizens, the March of Dimes, and the Easter Seal Society. According to the diagnosis, parents should also contact the foundation concerned with the handicap; for example, if a child is autistic, contact the National Society for Autistic Children in Washington, D.C., or a local chapter. Some hospitals may be able to link parents to local resources.

### **How can parents locate these foundations?**

*The National Directory of Services for Handicapped Children—1980*, which is updated periodically, is available in most libraries. It may be purchased for \$11.50 (including postage) from the publisher, the Coordinating Council for Handicapped Children, 220 S. State St., Suite 412, Chicago, IL 60604, (312) 939-3515. The directory is arranged in alphabetical order and includes organizations, agencies, day care facilities, nurseries, residential schools, residential placement facilities, and some parent groups.

### **How can parents locate self-help groups for themselves in their communities?**

Every state has a child abuse specialist in its child protective service agency. This agency is usually called the Department of Social Services, Department of Protective Services, or Department of Children and Family Services. This office can help parents locate community self-help groups. For additional sources of information, see the resources listed at the end of this pamphlet.

### **What should I do if I think that a disabled child is being abused?**

Report it. Every state has a child abuse and neglect law that requires certain persons to report suspected child abuse, and every state's child protective service agency is mandated to receive and investigate those reports. Anyone who suspects that a child is being abused in any way should report to the mandated agency or call the local police department.

### **What happens after a report is made?**

The receiving agency makes its investigation and on the basis of its findings decides whether or not abuse has

taken place. In less severe cases the agency will help the family obtain whatever services are needed. In some of the more difficult cases the agency may file a petition in court, which then makes the final resolution. A court may order certain actions, for example, removing the child from the home, mandatory participation of the family in a treatment program, or bringing criminal charges against the offender.

### **Can a report be made anonymously?**

Yes, but it's better if you give your name.

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stress directly influences how they deal with the situation. All people have limits to the stress they can handle; potentially abusive parents have a very low tolerance for and are unable to cope with great stress. A handicapped baby born to parents who have the potential to abuse is clearly in great jeopardy.

#### **Are socially maladjusted children handicapped?**

The U.S. Special Education Programs does not list social maladjustment as a handicap, but there is no doubt that these children are seriously handicapped in a number of ways. In addition, their behavior may trigger abuse.

#### **Can child abuse and neglect cause some children to become socially maladjusted?**

Yes. Studies have indicated that physical abuse may be a factor in juvenile delinquency.<sup>12</sup> One study found that 68 per cent of the children in the Utah State Development Center, a residential institution for juvenile delinquents, had clear histories of abuse and neglect before coming into conflict with the juvenile justice system.<sup>13</sup> Another study of adolescents' attitudes towards parenting found that 82 per cent of the residents at the Idaho State Youth Services Center, another residential institution for juvenile delinquents, had clear case histories of abuse, neglect, sexual molestation, or exploitation.<sup>14</sup> A team of observers who carried out a study sponsored by the National Center on Child Abuse and Neglect discovered that all of a random sample of institutionalized delinquents interviewed had suffered physical abuse, neglect, or sexual molestation or had come from broken homes.<sup>15</sup>

#### **How are disabled children educationally neglected?**

In 1975, at the time of the passage of the Education for All Handicapped Children Act, Congress found the following:<sup>16</sup>

- The special education needs of more than eight million handicapped children were not being met.
- More than half of the handicapped children in the United States did not receive appropriate educational services that would enable them to have full equality of opportunity.
- Of the handicapped children in the United States one million were excluded entirely from the public school system and did not go through the educational process with their peers.
- There were many handicapped children throughout the United States participating in regular school programs whose handicaps prevented them from having a successful educational experience because their handicaps were undetected.
- Because of the lack of adequate services within public schools, families were often forced to find services outside the public school system, often at great distance from their residence and at their own expense.

Many of the problems associated with the identification and education of handicapped children are being solved through the combined efforts of federal, state, and local educational agencies.

#### **How are some of these problems being solved?**

Many teachers are concerned with helping handicapped children achieve their greatest potential. Special education has come a long way in helping disabled children achieve by using teaching methods that are appropriate to the children. The special education teacher is interested in what a child can and cannot do and not with how a handicapped child compares with the norm. Such standards are of little value in helping handicapped children move from where they are to whatever they may be able to achieve.

Failure to recognize that abuse and neglect may cause irreparable handicapping conditions in children or that "different" children often invite abuse and neglect is not only costly to the child and his family but also costly to society. The abused or neglected child may suffer irreparable neurological damage, severe physical handicaps, delayed language, or speech impairment, and there is a strong possibility of lowered intellect. An abused or neglected child may experience academic failure, requiring additional costs in providing an appropriate education as required by the Education for All Handicapped Children Act. Abuse and neglect often leads to delinquency and in many cases to adult criminal acts, for which society demands retribution. Again, the costs to society are enormous.

The coexistence of abuse and neglect and handicapping conditions is readily apparent in many of the cases we come in contact with. Those cases in which the relationship is not readily or immediately visible are very real, nonetheless, for the abused child is a disabled child. The abuse and neglect of children robs the victims of a chance to share in the social, economic, and personal benefits of our society and cripples society itself.

#### **How can abuse and neglect of handicapped children be prevented?**

The first step is to increase the public's knowledge about disabling conditions and to realize the alarming number of children affected. In the long term this would help society accept people instead of rejecting them. This social change would reduce the stigma that parents of disabled children feel, and it would make it easier for parents to accept and to cope with their handicapped child, reducing the risk of abuse.

In the short term parents of handicapped children must have emotional and educational support. Hospital staffs can facilitate the parent's adjustment, instilling an acceptance of the handicapped child with a positive attitude in the parents. Staff members should show open affection for the infant, encouraging the parents to touch and tend to the infant, which helps them deal with the reality of the situation. Parents should be fully informed as to the medical prognosis; they should be told about the baby's limitations and expectations and be encouraged by whatever current medical therapy and technology can achieve in developing their child's potentials — whatever they may be.

Parents must have someone to turn to. Isolation is deadly; it magnifies problems and closes horizons. Hot lines and self-help groups are especially useful for some

B. Actions Pending (cont.)

5. Ann Osorno

Target Group: family day care home

Applicable Regulation Section: HSC Section 1550(c) and CAC, Title 22, Section 86027(a)(3)

Violation: Spouse of licensee (Guillermo) committed a lewd or obscene act in the presence of two minor females in the facility.

6. Tara Hills Child Care Center (Timothy Townsell)

Target Group: day care center-children (12)

Applicable Regulation Section: HSC, Section 1550, and CAC, Title 22, Sections 86019, 86199, 86200, 86201, 86221, 86222, and 86241.

Violations: Licensee's 19 year old son sexually abused a 7 year old male in the facility by ejaculating into the boy's mouth; licensee sexually assaulted and attempted to rape a 15 year old female who had contacted the facility for potential employment.

7. George and Lois Wyman

Target group: child day care-children 0-6 years old (6)

Applicable Regulation Section: HSC, Section 1550; CAC, Title 22, Section 86037.

Violation: Licensee sexually abused a 5 year old and a 6 year old client of the facility (both females).

8. John Yoder

Target group: foster home

Applicable Regulation Section: HSC 1550(c); CAC, Title 22, Section 85119(a)(3)

Violation: Licensee sexually molested male children, ages 13 to 18 years old, while these children were in his facility.

# the disabled child and child abuse

Donald F. Kline, Ph.D.

## Acknowledgments

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## Introduction

Disabled children have, despite their handicaps, many of the problems and needs of all children. There is evidence, however, that the handicapping conditions of disabled children may increase their susceptibility to child abuse. It is known, of course, that severe abuse can produce handicaps in children. Understanding handicapping conditions and knowing where to find assistance with the special problems of disabled children can be of invaluable help to parents and to those who work with children. Our goal is to free these children from the dangers of abuse and to enable them to live as full and complete lives as possible.

NCPA Editorial Staff



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## Are disabled children more susceptible to abuse than nondisabled children?

No study has established a definite cause-and-effect relationship between disabling conditions and abuse. Several studies, however, have indicated that there is a correlation, and professionals believe that disabled children do constitute a high-risk group for abuse.

## What forms of abuse are disabled children most susceptible to?

Like all maltreated children, disabled children are abused and neglected in as many different ways as are nondisabled children. This includes neglect as well as physical, sexual, and emotional abuse. Disabled children do seem, however, to be at greater risk for educational neglect and for institutional and substance abuse than do nondisabled children.

## Why are these children at high risk for abuse?

Whenever abuse happens to any child, there are usually several factors present. One of these is that children who are "different" tend to be targets for abuse, and disabled children are in a sense different.

## Is it possible to determine if children are different because they were abused or abused because they are different?

This is like asking which came first, the chicken or the egg. Some children are abused because they are different or are perceived to be different, and some children are disabled as a result of abuse.

## Can abuse cause children to become disabled?

Yes. There is no question but that some children develop disabilities as a result of abuse. Physical abuse can result in neurological damage and in orthopedic, emotional or behavioral, or any number of other isolated or interrelated problems. Handicapping conditions may also result from malnutrition or from the "failure-to-thrive" syndrome. Children who have been neglected, shunted from one foster home to another, or placed in typical residential institutions are often defeated, distrustful of adults, rebellious, seriously emotionally damaged, and psychologically crippled. They often come into conflict with the juvenile justice system, which too often inflicts even deeper wounds on already wounded people.

In the well-known 1962 study C. Henry Kempe, M.D., and his colleagues found that 85 of 302 abused children in 71 hospitals had suffered neurological damage and that 33 of the children died as a result of their injuries.<sup>1</sup> Another study reported that, out of 50 cases of abused children, 4 were retarded, 2 had neurological damage, and 7 had

physical defects.<sup>2</sup> Several other studies have established a clear relationship between abuse and disabling conditions in children.<sup>3-7</sup>

### **Are most people familiar with the types of disabling conditions children have?**

No. Most people recognize only obvious disabilities, for example, children in wheelchairs or on crutches, those who are blind or deaf, children who have parts of their bodies missing or are malformed, or those who are severely mentally retarded.

### **What other disabling conditions should people be aware of?**

Other disabling conditions that are not so obvious and not recognized by the average individual include mild mental retardation, specific learning disabilities, and emotional disturbances. In addition, even fewer people recognize children with two other types of disabling conditions: those who are socially maladjusted and those who are educationally limited.

### **How are educationally limited and socially maladjusted children identified?**

Unfortunately, educationally limited children are not usually discovered until they go to school and begin to fail in their academic work. It is usually only the educator or the parent who is aware of the limitation. These children are frequently among the 20 per cent of the population in the United States that moves each year. Our highly mobile population sometimes causes children to have gaps in systematic instruction. When they miss essential instruction in academic areas and are permitted to continue through school without learning basic skills in math or reading, for example, they fall farther and farther behind their peers. Some educators view this as a form of neglect on the part of parents as well as schools.

Socially maladjusted children fair even worse. Unless they are seen in a juvenile detention facility or other environment that clearly determines that they have a problem, their disability goes unidentified. As a result, most of the educationally limited and socially maladjusted children go undetected. They frequently become rebellious, challenge authority, engage in truancy, and come into conflict with the law.

### **What are the categories of disabling conditions?**

The Special Education Programs in the Division of Innovation and Development, U.S. Department of Education, recognizes the following general categories:

- Mentally retarded
- Hard of hearing
- Deaf
- Speech impaired
- Visually handicapped
- Seriously emotionally disturbed
- Orthopedically impaired
- Deaf-blind
- Multihandicapped
- Other health impaired

It is clear that the last group includes children with a wide variety of specific health problems — with minimal brain dysfunction, congenital heart disease, rubella syndrome caused by German measles, cleft palate or cleft lip, and a variety of other problems that may result in substantial disabilities. Because of the wide variety of conditions the Education for All Handicapped Children Act of 1975 mandates that school placement of these children must be done by a team of experts and must include the parent or caretaker as well as the child when practical.<sup>8</sup>

### **How many disabled children are there in the United States?**

The exact number is unknown, but in 1975 Congress estimated that there were eight million handicapped children in the United States, about 12 per cent of all school-age children.<sup>9</sup> The number is even larger when children below school age are included in the estimate. The Education for All Handicapped Children Act mandates that states receiving federal funding under the law search for those from ages 3 through 21 who have handicaps, although states that do not take responsibility for preschool education may exempt the 3- to 5-year-old group. In 1980 some 238,000 preschool handicapped children were receiving special education services. This represented a 3 per cent increase over the previous year.

### **Are all 12 per cent of these children born with a disability?**

No. It is commonly accepted by physicians that 5 per cent of all live births have some form of disability. This means that 7 per cent of all handicapping conditions occur subsequently. The number of disabilities caused by abuse or neglect is not known.

### **Why are some babies born disabled?**

The causes of developmental defects present at birth, although not always diagnosed at the time of birth, can be broken down as follows:

- |                                    |              |
|------------------------------------|--------------|
| ● Genetic                          | 20 per cent  |
| ● Chromosomal aberrations          | 3-5 per cent |
| ● Environmental (intrauterine)     | 1 per cent   |
| ● Infections                       | 2-3 per cent |
| ● Maternal imbalance (biochemical) | 1-3 per cent |
| ● Drugs—including alcohol          | 4-6 per cent |

In 60 to 70 per cent of defects at birth the causes are not known, but half of these cases are probably caused by a combination of the factors noted above.<sup>10</sup>

There is rarely a single cause or explanation of any handicapping condition present at birth. In some cases the handicap seems to be primarily a function of heredity. In others, it seems to be the result of a complex interaction between genetic factors and intrauterine environmental factors; in still other cases the handicap seems to be attributable to factors that are entirely intrauterine. Causes of a handicapping condition may affect a child at any time during the beginning of life. They may occur at the time of conception, at any point while the baby is being carried by the mother, or during birth. One child may suffer the effects of something that happened in a single instant, whereas

another's handicap may be caused by a complicated series of interrelated events occurring over a period of months.

### **What are the most common forms of disabilities occurring at or before birth?**

The term congenital handicap describes a condition present at or before birth. Congenital handicaps range from dislocation of the hips to brain damage. If, for example, the umbilical cord is wrapped around the arm of a developing fetus, the arm may fail to develop. A mother's use of alcohol, tobacco, or other drugs may have an adverse effect on the fetus. Obstruction of the oxygen supply to the baby's brain from the time the birth process begins until the baby is delivered may cause brain damage. Children with cleft lip or palate, those with a variety of chromosomal defects, children with congenital deafness or blindness, those with missing or malformed skeletal structure, or children severely traumatized during the birth process all have handicapping conditions at or before birth.

A substantial proportion of mentally retarded children are destined to be handicapped from the moment of conception when the particular ovum unites with the particular sperm to determine the child's genetic endowment. One of the more common types of mental deficiency is Down's syndrome. These children inherit an extra chromosome, which, as far as is known, inevitably produces some degree of retardation.

In other children genetic factors cause damage only in combination with specific environmental factors. Infections occurring during pregnancy—for example, rubella—can cause handicaps, as can inborn errors of metabolism—for example, galactosemia, which is a hereditary defect that makes it impossible for the child to properly metabolize the galactose contained in milk. The effects of other more subtle genetic and environmental processes are still unknown. Fortunately, questions about human heredity are being studied, and answered, from a broader and a more sophisticated perspective and with refined techniques. Great progress has been made in the past 20 years.

### **How do disabled children feel about themselves?**

Many people may believe that the handicapped have a low self-concept, are hostile, aggressive, or withdrawn, or have negative feelings about themselves and about life in general. There is no evidence to support this notion, and we should not assume that it is true.

For example, during the keynote address to a meeting of the American Association on Mental Deficiency, Jean Vynier related the story of Helen, a 21-year-old cerebral palsied woman who had appeared on a nationally televised program in France. When one of the 10 million viewers called in to ask, "Are handicapped people like Helen happy?" Helen, who could respond only by using one finger on a typewriter, wrote, "I would not change my life for anything in the world." And, as others on the program laughed with Helen about her response, she typed the word "Hallelujah!"<sup>11</sup>

A young man who is severely mentally retarded lives in a neighborhood where my father-in-law lived before his death. During the long illness that preceded Dad's death at age 94, the young man would sit by the hour holding Dad's hand. There was little obvious communication between them, but there was a communion between this retarded youth and a man who, as a prominent lawyer, had spent his life using words to communicate in many ways the great love he had for all people. When the two of them simply sat and held each other's hand, the young man was very happy, and so was his elderly companion. Disabled adults are people. Disabled children are people.

When disabled children appear to be unhappy, when they become frustrated, angry, fearful, hostile, aggressive, and at times—although infrequently—a threat to the community, often it is because they have been taught to be that way. And, of course, these behaviors sometimes trigger abuse.

### **Are there any other factors that might contribute to a handicapped baby's risk for being abused?**

Yes. If a baby is unwanted or wanted for the wrong reasons, for example, to bring about a marriage or to bolster a floundering marriage, that in itself puts the baby at risk. When the reasons for having a baby in the first place are wrong and the baby turns out to be sick or disabled, compounding the wrong reasons, disillusionment and resentment abound, placing the baby in even greater jeopardy. Adults who place the responsibility for solving their problems, or for meeting their emotional needs, on an infant are not assuming responsibility for themselves. These unrealistic expectations and role reversals are common traits among abusive parents. The most beautiful, healthy baby in the world cannot solve the parents' problems.

### **How do most parents feel or react when their baby is born handicapped?**

Parents often enjoy speculating about what the baby will look like, what they'll do together, what kind of parents they'll be. When a baby is born disabled, the distance between reality and what the parents imagined may initially result in shock, denial, guilt, depression, grief, anxiety, or anger. Mothers may feel that they have failed; fathers may wonder if there is something wrong with them. The parents together may wonder if they did something that caused the problem, for example, having sexual intercourse or going bike riding during the wife's pregnancy. These parents are clearly faced with a crisis.

### **Does this have any relation to child abuse?**

Yes. The birth of a healthy baby to any couple is a crisis in that the baby's arrival mandates that changes be made in the parents' lifestyle; new relationships must form, and the husband-wife relationship must undergo adjustments. Although most parents meet these challenges successfully, they cause stress. The couple's ability to adjust to these changes is the central issue. When the normal crisis of having a baby is compounded by the baby's being disabled, the ability of the parents to cope with the added



## Selected Resources

### Child Abuse

The National Committee for Prevention of Child Abuse (NCPCA), 332 S. Michigan Ave., Suite 1250, Chicago, IL 60604-4357, (312) 663-3520. NCPCA, the publisher of this pamphlet, is a private nonprofit organization dedicated to the prevention of child abuse. NCPCA's programs include the development of NCPCA chapters, an annual national media campaign, and the publication of educational materials that deal with parenting, child abuse, and child abuse prevention. The NCPCA Information Packet is free upon request.

Parents Anonymous (P.A.), 22330 Hawthorne Blvd., Suite 208, Torrance, CA 90505. P.A. is an international self-help organization for parents under stress. To locate a local P.A. group, California residents should call toll-free (800) 352-0386; those outside of California should call toll-free (800) 421-0353.

Clearinghouse on Child Abuse and Neglect Information, 1700 N. Moore St., Arlington, VA 22209, (703) 558-8222. The clearinghouse is sponsored by the National Center on Child Abuse and Neglect, U.S. Department of Health and Human Services. Program information, literature searches, and statistical information are available free upon request.

### Self-help

The Self-Help Center, 1600 Dodge Ave., Suite S-122, Evanston, IL 60201, (312) 328-0470. The Self-Help Center is a research and information clearinghouse that offers information free of charge to those seeking self-help group locations, contact persons, and telephone numbers.

### Disabled

Special Education Programs (formerly Office of Special Education/Bureau of Education for the Handicapped), U.S. Department of Education, 400 Maryland Ave., S.W., Room 4030, Donohoe Building, Washington, DC 20202, (202) 472-3740. Special Education Programs administers Public Law 94-142, the Education for All Handicapped Children Act, which guarantees appropriate free public education for the handicapped. The Washington, D.C., office and regional offices in the United States receive complaints of violations of the law and act on these complaints if necessary.

Head Start, P.O. Box 1182, Washington, DC 20013, (202) 755-7782. Handicapped children who are eligible for Head Start are preschoolers defined by the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35) as "mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, orthopedically-impaired, or other health-impaired children who by reason thereof require

special education and related services." Head Start is primarily for those who meet poverty-level requirements, but there are exceptions. To locate a Head Start program in your area, check the telephone directory or contact the national office.

National Audiovisual Center, National Archives and Record Services, General Services Administration, Reference Section, Washington, DC 20409, (301) 763-1896. The "1978 Audiovisual Reference List" and the "1980 Audiovisual Supplement" are available free while the supply lasts. The list and supplement include price and ordering information. Catalogs are also available for audiovisual materials by subject area, for example, special education.

Clearinghouse on the Handicapped, U.S. Department of Education, 400 Maryland Ave., S.W., Room 3106, Switzer Bldg., Washington, DC 20202, (202) 245-0080. The clearinghouse responds to inquiries on a wide range of topics, especially on federal funding for programs serving the disabled, federal legislation affecting the handicapped, and federal programs benefiting handicapped people. "The Pocket Guide to Federal Help for the Disabled Person" and *Programs for the Handicapped*, a bimonthly newsletter, are usually free upon request, as are all other clearinghouse publications.

Closer Look, P.O. Box 1492, Washington, DC 20013, (202) 833-4160. Closer Look is a national information center for parents, professionals, students, and disabled adults seeking assistance in dealing with the problems and needs of the mentally, physically, or emotionally disabled. When writing for information, be as specific as possible; for example, include facts about the person's known or suspected handicapping condition, his or her age, and the kind of help being sought. The staff will send a packet of materials, including pamphlets and reading lists, the semi-annual newsletter *Report from Closer Look*, addresses of parent organizations and local groups, and selected information about additional resources.

Association for Retarded Citizens, 2501 Avenue J, P.O. Box 6109, Arlington, TX 76011, (817) 640-0204. The association is a voluntary citizens organization, with more than 2,000 local units in the United States, that maintains liaisons with comparable organizations in 40 foreign countries and with international bodies. The association serves professionals and parents and addresses issues of retarded people at all age levels. Among the association's services are the dissemination of information on retardation and parent needs and many publications. A catalog and brochure are free upon request.

NICEM (National Information Center for Educational Media), University of Southern California, University Park, Research Annex, Los Angeles, CA 90007, toll-free (800) 421-8711. NICEM's data bases list all materials published in the United States in all major disciplines, including indexes on special education, inservice training materials, and parent materials. Telephone inquiries are free. NICEM also publishes 17 indexes that are available in most libraries.



MYTHS:

About the sexual assault of persons labeled DD/CMI.

MYTH: DD/CMI People Are Not Emotionally Damaged By Assault. They probably do not

consider the incident as sexual abuse or may not know what has happened to them,

so it makes no difference.

FACT: This is an obvious denial of a basic human right for self-determination over our bodies. This attitude of denial can only be detrimental, hindering the assaulted person from working out her feelings as her guilt and silence are reinforced.

MYTH: Disabled People Are Not Raped Because They Are Sexually Unattractive. This myth

involves two misconceptions: 1) persons with disabilities are unattractive and

2) rape is a sexual act.

FACT: Intellectual and emotional impairments do not limit a person's ability to conform to our society's standards of beauty. Secondly, rape is an act of violence in which sex is used as a weapon. It is an act of power and control. Assaulters are not seeking someone who is sexually attractive, but someone who is an easy target.

MYTH: Disabled People Are Promiscuous: They Ask For It.

FACT: This again implies that rape is a sexual act. Shifting the blame from the rapist to the survivor provides an escape from dealing with the problem.

MYTH: Sexual Abuse of Persons Termed DD/CMI Can Be Prevented By Keeping Them Away From

The Community, Secured in a Protective Environment.

FACT: Most assaulters are within the victim's "protective environment." A prevention

project in Seattle found that 99% of sexual assaults against children were by relatives, friends, acquaintances or caretakers. A study by the National Institute of Mental Health (1983) showed that 81% of assaults against mental patients are committed by hospital staff.

MYTH: Most Rapists Are Mentally Ill or Mentally Retarded.

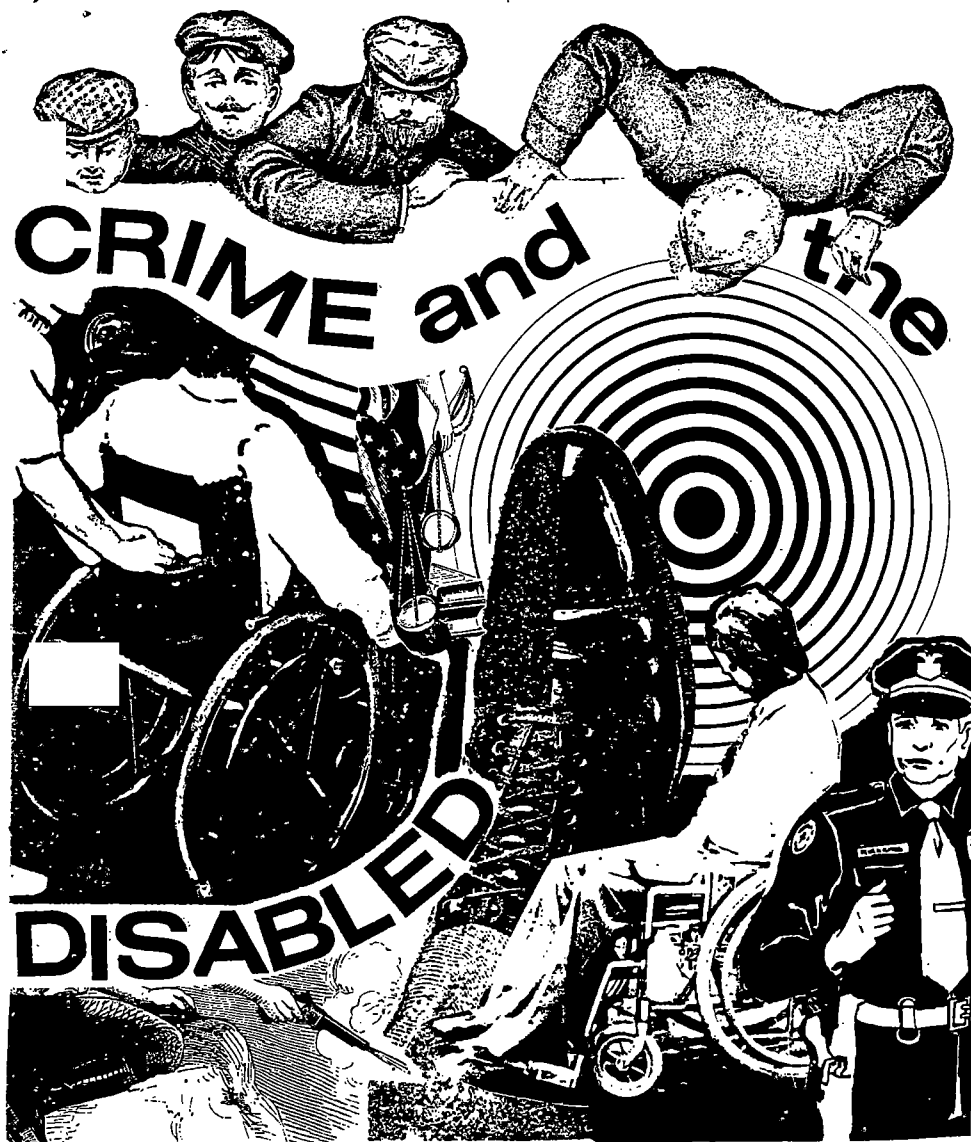
FACT: Research shows that men who rape have normal psychological profiles, differing from other men only in that they have a greater tendency to express violence.

MYTH: People Labeled DD/CMI Are Not Capable of Learning Skills to Prevent Sexual Assault.

FACT: DD/CMI people may need to begin learning skills at a basic level, but each person possesses a potential for growth. We have documented several incidences in which both children and people seen as disabled have successfully deterred assaults, after receiving just a few basic skills.

MYTH: Mentally Ill and Mentally Retarded People Lie About Sexual Assault.

FACT: Approximately 90% of all sexual assaults go unreported. This figure may be higher for persons with disabilities due to their lack of information about how to report, the fear of being blamed for the assault, the fear of retaliation by the assaulter, and the fear of not being believed.



During the past few years, public attention has focused on the rights of disabled persons. Through legislation and efforts of concerned groups, persons with disabilities are becoming recognized as valuable and equal members of society.

But what of the invisible barriers that still stand in the way of disabled citizens? Stereotyping and negative attitudes are still held by many individuals. These attitudes can obstruct independent, dignified lifestyles for disabled citizens. The attitudes may arise from fear or simple lack of knowledge about a disability. Attitudinal barriers may go unrecognized, contributing to poor communication between disabled and non-disabled citizens. Attention should be focused on breaking down the invisible barriers encountered by the disabled, thereby establishing effective communication between the disabled and able-bodied citizens.

What is a disability? There are many definitions of disability. Dis-

abled persons and organizations and state and federal legislation define disability differently. For the purpose of this article, a disability is a limitation to a sensory, mobility, communication, mental or emotional function. A person with a disability may be limited in such areas of daily life as school, work, recreation, transportation, social interaction and in activities of daily living, such as eating, dressing and bathing, depending on the type of disability and the degree of severity. Such limitations may be in one or more of the areas listed above; they may be slight, moderate or severe in terms of their restrictive capacity.

We all experience periods when we become temporarily disabled. A broken limb from a skiing accident or a soccer skirmish might keep us from our normal activities temporarily. A case of laryngitis might prevent us from talking on the telephone. Headaches can/may impair our vision; and they could certainly

prevent us from learning or working effectively. While these examples may be helpful in relating to problems of limitation a disabled person encounters, remember, they are temporary. Persons who are referred to as disabled have chronic limitations, not temporary ones. Their limitations do not disappear in six to eight weeks or sooner.

For disabled persons in California there are many types of programs designed to assist the disabled in becoming active participants within the community.

A program was developed by the Attorney General's Crime Prevention Center to assist the disabled community in becoming aware of personal safety through prevention.

The program is designed to make current crime prevention publications accessible to the various disabled groups.

The Crime Prevention Center's focus is on three major disabled groups: the hearing impaired, vision impaired and mobility impaired.

Limited publications are available for loan in Braille. Articles and sign language cards are also available in limited quantities.

The Crime Prevention Center is requesting the disabled and the able-bodied community to share information, program ideas and concerns for making this endeavor a success.

If you desire further information regarding crime prevention for the disabled, contact the:

Crime Prevention Center  
Office of the Attorney General  
555 Capitol Mall, Suite 290  
Sacramento, California 95814

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## Mental Care Home Hit With Stiffest Fine

### State Probers Say Women Were Raped, Used as Prostitutes

SAN JOSE (AP)—Men paid cigarettes or a dollar to have sex with one woman patient, and other women were raped by employees and patients at a nursing home that faces the biggest fine in California history, according to a state health department report.

El Dorado Guidance Center, a locked facility with a license to care for 99 severely mentally disturbed patients, was fined \$92,250 Tuesday, said Carla Framiglia, district supervisor with the state Department of Health Services.

El Dorado has received 16 citations and has been fined \$125,000 by the department since Jan. 1, according to a report in Wednesday's San Jose Mercury News.

A team of investigators spent several days at the San Jose hospital after receiving 40 allegations of improper patient care and staff performance by current and former employees, patients and their relatives, she said.

Investigators reported that several sources advised them that a 21-year-old woman was used as a prostitute by a male patient, and that she had been placed in a predominantly male ward despite a hospital staff note that she needed "to be watched closely as she is sexually vulnerable."

They also said they were told the woman had been "dragged down the hall and raped," apparently by a male patient.

The health department said at least four male workers were fired for "inappropriate" sexual behavior

with patients, and that El Dorado failed to report that a woman patient had been molested by a male counselor.

One of the hospital's owners, Stephen Vernon, responded to the 23-page investigation report.

"We take citations seriously," he said. "Our first priority will be to identify and take appropriate action to address any concerns about the way the facility provides care."

Among the allegations in the state report are:

- "Sex is rampant—women have sex for a candy bar and cigarette."

- "A male patient bragged he got a female patient for a Sugar Daddy."

- A patient said a "staff member attempted to rape me there. He would take girls to the laundry room and rape them. I got away from him."

Investigator Karen White quoted several employees as saying they were told that "if we contacted (the) patients' rights advocate or (the) state agency, it would be grounds for termination."

Vernon is listed in state records as an owner of El Dorado, along with his wife, Adele, of Palo Alto; John Pewther of Berkeley; Jill Ippisch of San Jose, and Richard Ippisch of Cupertino.

Nora J. Baladerian, M.A., M.F.C.C.  
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(213) 391-2420

TESTIMONY TO THE COMMISSION ON RACIAL, ETHNIC, RELIGIOUS AND  
MINORITY VIOLENCE

✕ MEETING IN RIVERSIDE, CALIFORNIA ON AUGUST 26, 1985

I APPRECIATE THE OPPORTUNITY TO ADDRESS THE MEMBERS OF THIS COMMISSION.

AS A BRIEF NOTE OF PERSONAL INTRODUCTION, MY MAJOR AREA OF WORK FOR THE PAST 10 OR SO YEARS HAS BEEN AS A THERAPIST FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES, AND THEIR FAMILIES. MY PARTICULAR AREAS OF WORK ARE IN SEXUALITY AND ADVOCACY, PARTICULARLY LAW AND DISABILITY.

THE MOST IMPORTANT PLEA I HAVE TO THE COMMISSION IS TO INVESTIGATE THE FOLLOWING RECOMMENDATION: THAT THE ATTORNEY GENERAL DESIGN AND IMPLEMENT A TRAINING PROGRAM FOR DISTRICT ATTORNEYS WITH THE FOLLOWING CONTENT:

- 1) DISABILITY (DEVELOPMENTAL, PHYSICAL, MENTAL ILLNESS)
- 2) DETERMINING CREDIBILITY OF A WITNESS THROUGH A PROCESS OF A STRUCTURED INTERVIEW (AS OPPOSED TO REJECTING THE CASE ON THE DISCRIMINATORY ASSUMPTION THAT A WITNESS/VICTIM'S DISABILITY RENDERS THEM INCOMPETENT OR INCREDIBLE AS A WITNESS OR VICTIM.)
- 3) COMMUNITY AGENCIES AND EXPERTS WHO CAN ASSIST IN PROSECUTING CASES.

WHY THIS RECOMMENDATION? NUMEROUS CASES OF ASSAULT AGAINST MINORS AND ADULTS WITH DISABILITY HAVE BEEN BROUGHT TO THE

ATTENTION OF THE POLICE. HOWEVER, THE CASES WERE NOT FILED BY THE D.A. WITH THE STATEMENT THAT DUE TO THE SEVERITY OF THE DISABILITY, THE CREDIBILITY OF THE VICTIM IS INSUFFICIENT. IN THESE CASES, OTHERS HAVE BEEN VERY SURE THAT ADEQUATE TESTIMONY IS AVAILABLE AND THAT THE FAILURE TO FILE IS A RESULT OF DISCRIMINATION AND LACK OF INFORMATION ABOUT DISABLED PEOPLE ON THE PART OF THE DISTRICT ATTORNEY.

CASE: TO ILLUSTRATE THE IMPORTANCE OF THE ABOVE RECOMMENDATION, I PRESENT THE CASE OF BARBARA P. SHE IS 10 YEARS OLD, MULTIPLY HANDICAPPED, AND WAS SEXUALLY MOLESTED BY HER SPECIAL EDUCATION TEACHER, WITH OTHER MULTIPLY HANDICAPPED CHILDREN AS WITNESSES. THE OTHER CHILDREN WERE ABLE TO DESCRIBE WHAT HAD OCCURRED, ALTHOUGH THEIR PRODUCTION OF COMMUNICATION WAS NOT TRADITIONAL, THEY DID DESCRIBE THE EVENTS. HOWEVER, THE D.A. REFUSED TO FILE, ON THE BASIS OF THEIR DISABILITY.

I WOULD LIKE ALSO TO BRING TO THE ATTENTION OF THE COMMISSION THE DOCUMENT "PROSECUTING CASES OF PHYSICAL AND SEXUAL ASSAULT OF THE MENTALLY RETARDED" PRODUCED BY THE CALIFORNIA DISTRICT ATTORNEY'S ASSOCIATION. THIS IS BASICALLY AN EXCELLENT HANDBOOK. HOWEVER, IT HAS GLARING DEFICITS IN THAT THE DISCOVERY OF "INFORMED CONSENT" TO SEXUAL CONDUCT FOR MENTALLY RETARDED PERSONS IS INADEQUATELY EXPLORED AND CONCLUDED. I HAVE PREPARED A "RESPONSE". IN MY "RESPONSE" I EXPLORE THAT PROBLEM RECOMMEND A PROPER INVESTIGATION.

CASE: THIS IS THE CASE OF MARY A. WHO WAS RAPED. I ASSUME THAT THE CHARGES ARE BASED ON STATUTORY RAPE AS THE QUESTION OF INFORMED CONSENT IS EXPLORED. THE DISTRICT ATTORNEY SOUGHT THE ASSISTANCE OF A PSYCHOLOGIST TO DETERMINE THE CLIENT'S ABILITY TO

CONSENT TO SEXUAL RELATIONS. THE PSYCHOLOGIST, ALTHOUGH EXPERIENCED IN WORKING WITH DEVELOPMENTALLY DISABLED PERSONS, IS NOT SKILLED IN THE AREA OF SEXUALITY, HAS NO TRAINING OR CERTIFICATION IN SEXUALITY, AND PERFORMED WHAT I BELIEVE TO BE AN INADEQUATE ANALYSIS AND INVESTIGATION WHICH HAS THE POTENTIAL OF DANGEROUS CONSEQUENCES. MARY A. WAS QUESTIONED ABOUT HER UNDERSTANDING OF TIME, MONEY, AND OTHER IRRELEVANT TOPICS. SHE WAS ALSO QUESTIONED ABOUT SEXUAL ANATOMY AND REPRODUCTIVE PHYSIOLOGY. THERE IS NO EVIDENCE THAT SHE WAS QUESTIONED ABOUT THE RAPE OR HER UNDERSTANDING OF ROMANTIC AND SEXUAL RELATIONSHIPS. I BELIEVE THAT THE DISTRICT ATTORNEY SHOULD PAY ATTENTION TO THESE IMPORTANT FACTORS IN THE CASE. IN THIS INSTANCE, THEY WERE CONSIDERED AS TRUE INDICATORS OF LACK OF CONSENT!!!! IN THE "RESPONSE" I HAVE PREPARED, I ADDRESS THESE AREAS IN DETAIL, AND PRESENT A POSSIBLE SOLUTION.

I RECOMMEND THAT THE COMMISSION STAFF DISTRIBUTE BOTH OF THESE DOCUMENTS TO THE ENTIRE COMMISSION FOR REVIEW, AND THAT FOLLOWING THEIR REVIEW AND APPROVAL, THE COMMISSION RECOMMEND THAT BOTH DOCUMENTS BE DISTRIBUTED BY THE ATTORNEY GENERAL TO DISTRICT ATTORNEYS THROUGHOUT THE STATE. I RECOMMEND THAT THIS PROCESS BE COMPLETED BY THE NEXT MEETING OF THE COMMISSION, TO EXPEDITE THE DISSEMINATION OF THIS CRUCIAL INFORMATION SO THAT VICTIMS OF VIOLENT CRIMES MAY RECEIVE APPROPRIATE LEGAL ASSISTANCE.

I WOULD LIKE TO PRESENT A FINAL ISSUE OF CONCERN. AT THIS TIME. THE CHILD ABUSE REPORTING FORM DOES NOT REQUEST INFORMATION ABOUT THE DISABILITY OF THE VICTIM. WITHOUT THIS INFORMATION

THERE IS NO WAY TO COLLECT DATA ON THE NUMBER OF CHILDREN WHO ARE ABUSED...OR WHO BECOME DISABLED AS A RESULT OF THE ABUSE. I WOULD LIKE THE COMMISSION TO FOLLOW UP ON THIS SITUATION BY TAKING THE FOLLOWING RECOMMENDATION:

- 1) TO CHANGE THE CHILD ABUSE REPORTING FORM TO INCLUDE QUESTIONS ABOUT THE DISABILITY OF THE VICTIM.
- 2) TO CHANGE THE POLICE REPORT FORM TO INCLUDE INFORMATION ON A CLIENT'S PRIOR OR RESULTING DISABILITY.

IF THE COMMISSION IS INTERESTED IN SEEKING FURTHER INFORMATION OR ASSISTANCE WITH THESE ISSUES, THE COMMITTEE ON DISABILITIES OF THE LOS ANGELES COUNTY INTER-AGENCY COUNCIL ON CHILD ABUSE AND NEGLECT, WOULD BE PLEASED TO ANSWER YOUR INQUIRIES. I AM CHAIR OF THIS COMMITTEE. YOU CAN REACH THE COMMITTEE THROUGH ME OR DR. MICHAEL DURFEE AT LOS ANGELES COUNTY DEPARTMENT OF HEALTH SERVICES. (213-974-88146)

THANK YOU FOR YOUR KIND ATTENTION TO THIS PRESENTATION.

NORA J. BALADERIAN, M.A., M.F.C.C.  
MENTAL HEALTH CONSULTANTS  
POST OFFICE BOX T  
CULVER CITY, CALIFORNIA 90231-1690  
(213) 391-2420

**RESPONSE TO:**

**"PROSECUTING CASES OF PHYSICAL AND SEXUAL ASSAULT  
OF THE MENTALLY RETARDED" ISSUED BY THE CALIFORNIA  
DISTRICT ATTORNEY'S ASSOCIATION**

**FEBRUARY 1985**



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**INTRODUCTION**

This document is one of the first instructive handbooks for district attorneys or any other agent within the criminal justice system, to assist these agents to understand the developmentally disabled client. Overall, it is an excellent guide for the handling of the interviews with the clients, and for coming to a good comprehension of the general level of understanding of day-to-day life possessed by the developmentally disabled client.

However, in the area of offering a solid basis for deciding the client's level of understanding of sexual matters, particularly sexual assault, there are major deficiencies in the Handbook, that this response hopes to fill. This response is intended as a helpful addendum to the Handbook. The intent of this Response is to provide a guide to improving the clinical interventions and assessments, and will also include some information on language and other attitudinal markers, to aid those dealing with persons with developmental disabilities to do so in a manner that will most enhance that individual.

#### GENERAL COMMENTS:

Terminology is very important to understand, when dealing with any minority, and this holds true when dealing with persons with developmental disability. It is considered pejorative to use phrases such as "the retarded", "the mentally retarded", as this becomes a label which tends to ignore individual and personality differences. The preferred reference is "persons who have developmental disabilities" or "persons who have mental retardation". This is considered of such great importance, that there is an organization of and for persons with developmental disabilities called "People First", whose motto is to consider the fact of personhood first, then acknowledge the disability. Not doing so is akin to discussing "the appendix in room 348" in a hospital setting, in which the individual is completely unimportant.

Many persons with a developmental disability object to the term "mentally retarded", and prefer not to be called retarded, rather "slow learner" or to "have a learning problem or disability", which is indeed more accurate.

Persons with mental retardation, as described in Paragraph one on page 4 of the Handbook, "who have little or no experience in making choices about....what to eat, when to go to bed, what to wear in the morning" are usually classified in the moderate range of retardation. The comments in Paragraph 3 must be taken extremely seriously, such as "their desire for acceptance leads them to acquiesce in behavior they do not like and do not want". In fact, it is not uncommon for a person with a developmental disability individual to "forgive" the assault, in order not to

get the perpetrator in trouble.

On page 6 it is noted that most persons with a developmental disability receive little, if any, sexuality education. As an addendum to this, most sexuality programs that have been offered to date do not include information on sexual abuse or self-defense techniques. So, it would be important to discuss with a client who has received sex education, what was covered in relation to sexual abuse.

#### COMPETENCY TO GIVE CONSENT v. COMPETENCY TO TESTIFY:

This section states that "in *People v. Dolly* (1966) 239 Cal.App.2d 143 (the court) held that legal consent presupposes intelligence capable of understanding the act, its nature, and its possible consequences", and that "Penal Code Section 261.6 has since codified that requirement, and states that 'consent shall be defined to mean positive cooperation in act or attitude pursuant to an exercise of free will. The persons must act freely and voluntarily and have knowledge of the nature of the act or transaction involved'".

The document here states quite correctly that "lack of competency (to consent to sexual conduct) cannot be presumed from mental retardation alone", but fails to indicate how such competency can reliably be established. There is one instrument specially designed for use with persons with mental retardation, (see Resource List #4) that specifically describes the nature, the act, the consequences of the act, and questions the victim in this regard. The use of this instrument assures that each interviewer is using the same definition of "the nature, the act

and its consequences", rather than a vaguely identified individual interpretation of these terms and their application to the individual with a developmental disability. Having a "rudimentary knowledge of the body parts and their functions" does not conclusively demonstrate an understanding or lack of understanding of sexual conduct.

I would support the Handbook's directive to determine the scope of formal sex education the victim has received, but I would add to that, also acquire a copy of the post-test or post-evaluation of that training, to assess how much of the training the victim assimilated and how that information was understood by the victim. It may also be of value at the time of the investigation to re-administer the post test to assess current knowledge. It is critical to keep in mind that information can be imparted, but the way in which it is understood is quite different. One example is that one client had had sex education, and believed that she could not get pregnant during intercourse because the man did not "wear a rubber penis"...demonstrating that she believed that only when he wore a condom could she become pregnant. One would also inquire into the content of that training, when it was offered to the victim, was it repeated (we know that knowledge is reinforced through repetition, particularly important for the individual with developmental disability), and what is the current level of sexuality understanding of the victim.

I believe that questions regarding the individual's ability to live independently, understand about telling time and using money are not applicable to the understanding of sexual

relationships. These concepts are used to determine general level of intelligence, which is another area of inquiry.

In regard to the questions suggested on Page 10, the initial questions regarding dinner, money and academic skills, can be used as a way to open conversation, but these areas should be covered in the psychological examination, and the results of this examination should be made available to the D.A. within a reasonably short period of time, and would not necessarily be important to review with the victim.

As to the questions regarding anatomy and sexual function, I would make the following suggestions, if these questions are to be asked in addition to having a full scale sexuality assessment conducted by a qualified Certified Sex Educator or Certified Sex Counselor who is experienced in working with persons with developmental disabilities:

1. If the victim is over 18 years of age, use the terms "man" or "woman" rather than "boy or girl", which are infantilizing to the adult victim.

2. When inquiring into "what do boys/men have", also include "what do women have" and indicate with anatomically correct drawings the part of the body you are interested in identifying. Please remember that there are a significant number of males who are molested, and there are a significant number of female perpetrators. All possibilities and lines of inquiry must be kept open. Also, it is good to remember the purpose of your questions, and whether or not these have already been covered in the assessment conducted by your local qualified Sexuality and

Disability consultant.

3. The question "Why did s/he do that to you" might be rephrased to "Why did s/he do that with you", particularly if the victim does not appear to be traumatized, and there is question of whether or not there was consent. Assuming malice may not lend to the openness between you and the client that is being sought.

4. Be sure that you are willing to accept the victim's answer as satisfactory if viewed from the point of view of the victim. For example, "what is sex" may be answered by saying "that's when someone loves you". That is an acceptable answer. "Where do babies come from?" may be answered "the woman's stomach" which is obviously incorrect, but may be acceptable in this situation. "Do boys have babies" may be answered in the affirmative, of course, as men become dads. "Do men give birth?" is a more specific question to ask if you are interested in assessing reproductive knowledge. I do not believe a thorough grounding in reproductive anatomy and physiology is necessary to give consent to sexual intercourse or other forms of sexual contact. Neither of the questions indicated above relate to the issues of sexual relationships or sexual assault, which should be the main focus of inquiry.

The comments regarding the fact that the victim may not know the correct words for the sexual/reproductive parts of their bodies, nor be able to describe conception, or contraception are correct, but I do not believe that any of these is required to be able to give informed consent to sexual intercourse, and thus should not be used as a determinant factor in deciding ability to

give informed consent to sexual contact. What would be critical to the area of inquiry we are interested in is why people and specifically the victim and her/his partner or assailant engage in sexual activities. These answers, I believe, provide much more meaningful information regarding informed consent to the act.

The comments regarding competency to qualify as a witness are excellent, and I believe some of these should also be considered in regard to competency to provide informed consent to the act of sexual intercourse. In fact, I believe that the victim should be considered able to consent unless proven unable. The consequence of being deemed unable to provide consent are that for life one could not engage in sexual contact without the threat of being taken to court with one's partner being charged with statutory rape...this is a sentence on the individual we must take care not to impose. Consideration of the converse of these decisions, I believe, is of critical importance in the life of the individual.

#### INVESTIGATION AND PREPARATION

The Handbook states that in all cases it is important to have a social worker familiar with the victim. I would add that this social worker should submit a written report of her/his findings and impressions, for the court's record.

In addition, it is essential to have a psychologist examine the victim to submit a current I.Q. level and to testify as to the victim's educational level and abilities, as well as self-help skills and abilities.

It is also crucial to have a Certified Sex Counselor or Certified Sex Educator who is experienced with persons with who have developmental disabilities complete a Sexuality Comprehension Assessment that includes items to determine informed consent regarding sexual activities. There is a critical difference in academic ability and ability to create and enjoy human relationships, and this difference should be acknowledged in this context. Many mentally retarded men and women are unable to read and tell time, but they understand about love and caring for one another. The psychological examination, using the standardized instruments, will not provide this type of information, which is critical to the question of informed consent. Further, the psychological examinations do not include questions related to sexuality or to sexual or romantic or abusive situations. For these types of questions, the proper assessment instrument and professional is required.

As a note, psychologists, marriage and family counselors and psychiatrists are required to complete 10 hours of training in Human Sexuality, and are allowed to include in their named areas of expertise Sex Therapy. It is my recommendation that the professional you select to conduct an evaluation of the client have a specialization in Human Sexuality and have experience in working with persons who have developmental disabilities. I would recommend that you only employ the services of professionals who are Certified Sex Educators or Certified Sex Counselors or Certified Sex Therapists, by the American Association of Sex Educators, Counselors and Therapists (AASECT) just as you would seek a trained and experienced individual for



any other type of assessment. I would also not consider my case prepared for court until all three evaluation reports have been received: The Social Work Report, the Psychological Evaluation, and the Sexuality Comprehension Assessment.

In regard to the comment regarding "not every psychologist is trained and experienced in testing and evaluation mentally retarded persons", this is absolutely true, and I would reinforce the Handbook's comments about making sure you have hired an experienced psychologist, just as you must assure that you have hired a competent and experienced Sexuality and Disability expert for the Sexuality Comprehension Assessment.

I strongly disagree with the statement in paragraph 3 under (4) I.Q. Testing that the psychologist can render an opinion as to the victim's ability to consent to sexual relations: S/he can only do this if s/he also is the expert you have employed as the qualified Sex and Disability Expert. The psychologist may have little or no training and/or experience in the area of sex and disability. It is very important not to imply expertise where it does not exist. The psychologist can render an opinion regarding the client's mental age, which may or may not have a significant impact on the client's ability to provide informed consent for sexual relations.

Paragraph (5) Additional Investigations states that the social workers or teacher can provide additional information about the client's level of sex education. As stated above, they can offer a copy of the curriculum that was used as a teaching guide. They should also be asked to submit a copy of the

client's post-test, and a copy of the post-course evaluation completed by the sexuality education instructor. This will reveal how much of the information taught was actually learned by the client. Review the portion of the curriculum that teaches about the relationship aspects, and the portion that deals with the voluntary nature of sexual activities, and how to handle unwanted approaches and touch. Also review the section that explains sexual exploitation, sexual rights and responsibilities, and illegal sexual behaviors.

#### PRESENTATION OF EVIDENCE

This section is excellent. In particular I wish to comment on the statements regarding mental retardation as distinguished from mental illness. Mental retardation can most easily be described to the jury as slow learning: the individual can learn, but does so to an upper limit which is different for each level of retardation, and the learning occurs more slowly than with other persons, and that many times, teaching methods that are unique must be employed to assist the person to learn. Mental illness is a totally different mental state, that is constituted by a separation of the individual from reality. Certainly there are individuals with "dual diagnosis", meaning both mental retardation and mental illness, so the diagnoses are not mutually exclusive. If you have a client with "dual diagnosis", both mental states should be explained to the jury.

#### COMMENTS ON APPENDIX A

The following are comments regarding questions that I believe should have been included in the preliminary hearing testimony. My comments are based on the excerpts of the hearing,

and thus may comment on questions that were asked but not included in the excerpt.

Questions were asked regarding Dr. Miller's license to practice as a psychologist, and his preparation and training for this work. He was not asked about his training in working with persons with developmental disability, but this information was provided by Dr. Miller.

There are no questions related to his training and experience in the area of Human Sexuality, Sexuality and Disability, or whether he holds the recommended Certifications in Sexuality Education, Counseling or Therapy.

Further along in the testimony, Dr. Miller states that he administered selected subtests of an instrument called the Street Survival Skills Questionnaire, that covered the areas of Domestics, Public Service, Time and Monetary. He did not administer any questions related to sexuality. Since the issue here is principally sexuality, I question the exclusion of the primary topic.

Dr. Miller engaged Mary A. in an interview regarding sexual matters, but according to the testimony, did not use a specific Questionnaire or Assessment Instrument for his examination. Nor did he explain why he chose to not use such instruments, and if the Street Survival Skills Questionnaire contains such items, why he elected not to administer the items from that instrument. I believe that an Assessment instrument should have been used, and the scores and results included in the testimony. There were no questions asked of Mary A. (included in the excerpt) about the

incident that brought her to the attention of the court, or sexual relations per se, voluntary or forced participation. I am not sure what is meant by "she didn't know anything about the moral, legal, or religious aspects of marital relationships"; nor is there any explanation of what Dr. Miller means when he states "she...did not know any of the possible consequences of having sexual intercourse with someone that you are not married to." It seems clear that there is an implication here, but it is not stated, and in view of the reality in our society of the pervasiveness of this particular practice, it is unusual (to me) to have this emphasized, particularly in view of the complete absence of any comment regarding forced sexual contact.

Toward the end of the testimony, Dr. Miller states that he believes that Mary A. is incompetent to give consent for sexual intercourse because "she does not understand all of the possible consequences nor can she appreciate what it would mean to have sexual relationships". Dr. Miller, however, has not, according to the testimony indicated herein, questioned the client, nor identified in detail, precisely what are all of the possible consequences for Mary A. of sexual intercourse, nor how an acceptable level of appreciation has been assessed and either passed or failed. He has rendered an opinion, but we (the readers) have no way to learn how to replicate his findings, were we to also conduct an assessment with Mary A.

Dr. Miller states that he believes that competence to provide informed consent for sexual relationships must be individually determined, and depends on the clients' level of awareness of sexual relationships...however, again he has not

indicated how a he arrived at his findings.

The final comment in this regard, is that in order to assess competence to give informed consent for sexual relations, the client's understanding of sexual relations must be properly assessed. I would urge that the appropriate evaluation be conducted.

I would like to offer some resources for the D.A. and others who work in this field, to assist in developing greater competence and reliability in assessing sexual understanding in the individual with developmental disability.

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### RESOURCE BIBLIOGRAPHY ON HUMAN SEXUALITY AND DISABILITY

This bibliography is designed to provide basic information and resource guides related to sexuality and disability: physical disability, developmental disability, mental illness and sensory/communication disabilities. It includes books, pamphlets, papers, bibliographies, subscriptions, agencies, and major resource consultants. It also offers a reference guide to related materials. The principal focus for this bibliography is mental retardation.

#### BOOKS

ANSWERS TO QUESTIONS ADOLESCENTS HAVE ABOUT SEX, Alexander J. Tymchuk, Ph.D. and Nora J. Baladerian, M.A. Available from N. Baladerian. Price: \$3.00

SEXUAL RIGHTS AND RESPONSIBILITIES OF THE MENTALLY RETARDED, Proceedings of the Conference of the American Association on Mental Deficiency Region IX, University of Delaware, Newark, Del., October 1972. Available from Medora Bass, 216 Glenn Road, Ardmore, PA. 19003 Price: \$2.50 prepaid, \$3.00 collect.

THE MENTALLY RETARDED: ANSWERS TO QUESTIONS ABOUT SEX, Arthur Attwell and Colleen Jaimison. Western Psychological Association, 12031 Wilshire Blvd. Los Angeles, CA. 90025

TEACHING CONCEPTS OF SEXUAL DEVELOPMENT TO THE DEVELOPMENTALLY DISABLED, Fisher, Krajicek and Berthik: J.F.K. Child Development Center, University of Colorado Medical Center, 4200 E. 9th Ave., Denver, CO 80220

DEVELOPING COMMUNITY ACCEPTANCE OF SEX EDUCATION FOR THE MENTALLY RETARDED, Medora Bass. Available from SEICUS. Price: \$2.00

A TEACHER'S GUIDE TO SEX EDUCATION FOR PERSONS WITH LEARNING DISABILITIES, Winifred Kempton. Available from Pennsylvania Planned Parenthood Assoc.

LET'S MAKE SEX A HOUSEHOLD WORD, Sol Gordon. Available at any bookstore or from ED-U Press.

THE SEXUAL ADOLESCENT, Sol Gordon. ED-U Press.

FACTS ABOUT SEX FOR TODAY'S YOUTH, Sol Gordon. ED-U Press.

FACTS ABOUT V.D. FOR TODAY'S YOUTH, Sol Gordon, ED-U Press.

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GUIDELINES FOR TRAINING IN SEXUALITY AND THE MENTALLY HANDICAPPED, Winifred Kempton and Rose Forman. Available from Planned Parenthood Association of Southeastern Pennsylvania.

A CURRICULUM FOR HUMAN SEXUALITY EDUCATION AND TRAINING DESIGNED FOR THE MENTALLY RETARDED, John W. Fanning. Available from: John W. Fanning, Mental Health Services of the Roanoke Valley, Suite 500, Carlton Terrace Building, Roanoke, Virginia 24016. Price: \$3.00

SEX, SOCIETY, AND THE DISABLED, Isabel P. Robinault. Publishers: Harper and Row., 1978

SEXUALITY AND THE METNALLY RETARDED, Rosalyn Kramer Monat. Available from College-Hill Press 4580-E Alvarado Canyon Road, San Diego, CA. 92120. Price: \$15.95

WHO CARES? A HANDBOOK ON SEX EDUCATION AND COUNSELING SERVICES FOR DISABLED PEOPLE, Sex & Disability Project, George Washington University. Authors: Chipouras, Cornelius, Daniels and Makas. Available from: The Sex and Disability Project, 1828 L Street N.W. Suite 704, Washington D.C. 20036

...ALL THINGS ARE POSSIBLE, Yvonne Duffy Available from: A.J. Garvin and Assoc. P.O. Box 7525, ANN Arbor, MI 48107 Price: \$8.95 + \$1.15 for postage and handling.

WITHIN REACH, PROVIDING FAMILY PLANNING SERVICES TO PHYSICALLY DISABLED WOMEN, by the Task Force on Concerns of Physically Disabled Women. Available from: Human Sciences Press 72 Fifth Ave. New York, NY.. 10011 Price: \$2.50

TOWARD INTIMACY, FAMILY NPLANNING AND SEXUALITY CONCERNS OF PHYSICALLY DISABLED WOMEN, Authors as above, available as above.

FEMALE SEXUALITY FOLLOWING SPINAL CORD INJURY, Elle Friedman Becker. Available from: Accent Special Publications, Cheever Publishing, Inc. P.O. Box 700 Bloomington, Illinois 61701 Price:10.95

SEX AND THE MENTALLY HANDICAPPED, Michael and Ann Craft. Available from Routledge & Kegan Paul, Ltd., 9 Park Street, Boston MA. 02108 Price: \$12.50

PAMPHLETS

"Sex Education Manual", #DDSB#75-24, State of California, Department of Health 714 "P" Street, Sacramento, CA. 95314 ATTN: William Long

"On Being the Parent of a Handicapped Youth", Sol Gordon. ED-U Press

- "A Resource Guide in Sex Education for the Metnally Retarded". SEICUS

"Guide for Parents: Love, Sex and Birth Control for Mentally Retarded", Winifred Kempton, Sol Gordon, Medora Bass. Available from Planned Parenthood Association of Southeastern Pennsylvania.

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"Sex Education for Disabled Persons", Irving Dickman, Public Affairs Pamphlet, No. 531. Available from Public Affairs Pamphlets, 381 Park Ave. South, New York, N.Y. 10016 Price: \$.35¢

"Sexual Rights for the People...Who Happen to be Handicapped", Sol Gordon. ED-U Press

"Techniques for Leading Group Discussions on Human Sexuality", by Winifred Kempton. Planned Parenthood Assoc. of S.E. Pennsylvania.

"Needs of Parents of Mentally Retarded Children", Mrs. Max Murray. National Association for Retarded Citizens, 2709 Avenue E. East, P.O. Box 6109, Arlington, Texas 76011

"Sexuality and the Mentally Retarded", combined monographs. Available from Planned Parenthood of Northern New York, Inc., Central Office, 161 Stone St.-Annex, Watertown, NY. 13601

"Voluntary Sterilization: Freedom of Choice for the Sexually Mature Retardate", Available from the Association for Voluntary Sterilization.

"Consent Handbook:", American Association on Mental Deficiency, 5101 Wisconsin Avenue, N.W. Washington, D.C. 20016 Special Publication #3.

## PAPERS

"How to Approach Sexuality for the Individual with Mental Retardation", Nora J. Baladerian, M.A., Presented at A.A.M.D. Conference, 1976. Available from N.J. Baladerian. Price: \$2.50

"Marriages and Parenthood for Persons with Mental Retardation (or anyone else, for that matter)", Allan M. Shoff, Ph.D., presented at Napa College 1976. Available from L.A.R.F.P.C. or N. Baladerian. Price: \$2.00

"Sexuality and the Developmentally Disabled: Prevention, Planning and Citizen Participation", Allan M. Shoff, Ph.D. and George Moed, presented to A.P.H.A. Miami Beach, Florida 1976. Available as above. Price: \$2.00

## BIBLIOGRAPHIES

"A Bibliography of Resources in Sex Education for the Mentally Retarded" Available from SEICUS. Price: \$1.00 NOTE: Also request their Spanish language Resources bibliography on Human Sexuality.

"A Beginning List of Sex Education REsources", by Dr. Matt Trippe, University of Michigan

"A Basic List of Sex Education and Population Resource Ideas", Family Planning and Population Center, Syracuse University, New York

"Sex Education-A Selective Bibliography", The Council for Exceptional Children, 1920 Association Dr. Reston, Virginia, 22091

"Bibliography: Sexual Behavior of the Mentally Retarded", by Judy E. Hall, Ph.D. Available from her at: University of Alabama, School of Medicine Center for Developmental Learning Disorders



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BALADERIAN

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"A Bibliography: Human Sexuality and Persons with Physical Disabilities", Barbara Waxman. Available from her at: Planned Parenthood/Sherman Oaks 14120 Magnolia Blvd. Sherman Oaks, CA 91403

### SUGGESTED SUBSCRIPTIONS

"AMICUS" published bi-monthly by the National Center for Law and the Handicapped, Inc. 211 W. Washington Street Suite 1900, South Bend, Indiana 46601. An Excellent way to research legal issues. May not have regular issues anymore, but past issues excellent.

"Sexuality and Disability", a Journal devoted to the study of sex in physical and mental disabilities. Available from Human Sciences Press.

"Sexuality Today", a weekly newsletter. Available from: ATCOM, Inc. 2315 Broadway, New York N.Y. 10024.

### WHERE TO WRITE FOR MORE INFORMATION

Nora J. Baladerian, M.A....of course!!  
Address on letterhead of this bibliography

Planned Parenthood Association of Southeastern Pennsylvania  
1402 Spruce Street  
Philadelphia, PA. 19107  
(Can contact Winifred Kempton here)

ED-U Press  
760 Ostrom Ave.  
Syracuse, New York 13210  
(Can contact Sol Gordon here)

American Association of Sex Educators, Counselors and Therapists  
5010 Wisconsin Ave. N.W. Suite 304  
Washington, D.C. 20016  
(This group publishes an annual directory of certified sexuality educators, counselors and therapists.)

National Sex Forum  
540 Poweel Street  
San Francisco, CA. 94108

Perennial Education  
P.O. Box 236  
Northfield, Illinois 60093

Projection Publications  
2134 Chapel Ave.  
Cherry Hill, N.J. 08034 (Request film description pamphlets)

Hallmark Films  
1511 E. North Avenue  
Baltimore, MD. 21213 (Request media catalogue)

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Association for Voluntary Sterilization  
708 Third Ave.  
New York, NY 10017

Los Angeles Regional Family Planning Council  
3250 Wilshire Blvd. Ste 320  
L.A., CA. 90005  
(213) 386-5614  
(Ask for Media Catalogue & to get on mailing list)

SIECUS

Sex Information and Education Council of the United States  
84 Fifth Avenue Suite 407  
New York, N.Y. 10011

University of California, San Francisco  
David Gl. Bullard, Ph.D., Project Director  
Intensive Training in Sex and Disability  
Department of Psychiatry  
814 Mission Street Second Floor  
San Francisco, CA. 94103

Planned Parenthood/Sherman Oaks  
Barbara Waxman  
Coordinator of Services to Disabled Persons  
14120 Magnolia Ave.  
Sherman Oaks, CA. 91403  
(213) 990-4300

State Department of Developmental Services  
Family Life Project  
Patty Blomberg, Director  
714 "P" Street  
Sacramento, CA. 95814

Regional Centers for Persons with Developmental Disabilities, located throughout the State of California. Designed to provide all necessary services to persons with developmental disabilities through referral.

ADDITIONAL HELPFUL/USEFUL/INTERESTING FAVORITES:

VALUES CLARIFICATION, Simon, How and Kirschenbaum. Hart Publishing Co, N.Y., Available in any bookstore. Price: \$4.95

FUNDAMENTALS OF HUMAN SEXUALITY, Second Edition. Katchadourian and Lunde. Holt, Rinehart and Winston, Phu. Any bookstore. Price: \$11.95

ANSWERS TO QUESTIONS ADOLESCENTS HAVE ABOUT SEX, Tymchuk and Baladerian. Available from Nora Baladerian. Price: \$3.00 plus handling \$.75¢

BIRTH WITHOUT VIOLENCE, LeBoyer. Published by Alfred A. Knopf, N.Y. 1976. Available: any bookstore. Price: \$7.95 Excellent pictorial aid.

HOW WAS I BORN?, Lennart Nilsson. Published by Delacorte Press. Available at any bookstore. Price: \$5.95 A photographic story of

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PAGE SIX

THE SEX BOOK, A MODERN PICTORIAL ENCYCLOPEDIA, Goldstein, Haeberle, McBride, Herder and Herder. Published by Herder and Herder, 1971. Available at any bookstore. Price: \$12.95. An encyclopedia composed of honest, clear explanations and explicit photographs. Suggest discretion of use. Very helpful in assisting with difficult topics.

"WORDS FREQUENTLY ENCOUNTERED IN FAMILY PLANNING PROGRAMS", Published by Regional Training Center for Family Planning, Emory University School of Medicine, Dept. OB/GYN, Hartford Bldg. Room 805, Edgewood Ave. N.E. Atlanta, GA. 30303. A very handy and delightful dictionary.

THE MALNOURISHED MIND, Elie A. Shneour, Anchor Press/Doubleday, 1975. Any bookstore. Price: \$2.95. A must. Discussion of the nutrition of developed countries, their effect on third world countries, and successive brain damage caused or continued due to poor nutrition.

"WINNING THE BATTLE FOR SEX EDUCATION", Irving R. Dickman. Available from SIECUS. Price: \$6.00

"FAMILY PLANNING SERVICES FOR DISABLED PEOPLE...A MANUAL FOR SERVICE PROVIDERS", Developed by the City of Seattle, Department of Human Resources. Available from: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. DHHS Publication No. (HSA) 81-5639

INTIMACY: THE ESSENCE OF MALE AND FEMALE, by Shirley Gehrke Luthman. Available from: Mehatabel & Co., 4340 Redwood Highway Suite 123, San Rafael, CA. 94903

NOTE: If you have difficulty finding copies of any of the above, do feel free to telephone me. I will be glad to help. Also, we can provide resource guidance if you are looking for an agency, speaker or written material related to sexuality and disability.

**NORA J. BALADERIAN, M.A., M.F.C.C.**

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**RESOURCES**

1. California Committee on the Sexuality of the Developmentally Disabled 58 Diablo Creek Place, Danville, CA. 94526.

Representatives:

Bay Area: Don Simons (415) 820-6815  
Sacramento: Patty Blomberg (916) 428-4086  
Los Angeles: Nora Baladerian (213) 391-2420  
San Diego: Toni Davies (619) 278-5281

2. Los Angeles County Department of Health, Inter-Agency Task Force on Sexual Abuse, Committee on Abuse and Disability.  
Chairperson: Nora Baladerian (213) 391-2420

3. "Resource Bibliography on Human Sexuality and Disability", available from Nora Baladerian, lists curricula, testing instruments, books pamphlets and resources.

4. "Sexuality Information and Comprehension Assessment Instrument", by Nora Baladerian

5. Videotapes for training purposes on Sexuality and the Developmentally Disabled Individual. Includes the law, sex and disability, a parent's perspective, behavioral interventions, informed consent for sterilization, and more.

6. "Barbara A.: A Case Study for Determining Informed Consent to Sexual Intercourse of a Moderately Retarded Adult Woman: Defining the Nature, the Act, and the Consequences of Sexual Intercourse", Nora J. Baladerian and Jay M. Kohorn, Atty. at Law

MINUTES  
ATTORNEY GENERAL'S  
COMMISSION ON RACIAL, ETHNIC, RELIGIOUS, AND MINORITY VIOLENCE  
Riverside, California  
August 26, 1985

The meeting of the Attorney General's Commission on Racial, Ethnic, Religious, and Minority Violence was called to order by Chairman Monsignor William Barry at approximately 9:15 A.M., City Council Chambers, Riverside, California.

Commissioner's Present:

Msgr. William J. Barry, Chairman  
Richard Chavez  
Thomas F. Coleman  
Bishop Will L. Herzfeld  
David Kassoy  
Janet Levy  
Hon. Alice Lytle  
John W. Mack  
Hon. Armando O. Rodriguez  
Dr. Hazel Hawkins-Russell  
John J. Saito  
Diane C. Yu

Commissioners Absent:

Irma Castro  
Vincent Harvier

Department of Justice  
Personnel Present:

Marty Mercado, Chief Community  
and Consumer Affairs  
Manuel Medeiros, Deputy Attorney General  
Sacramento  
Louis Verdugo, Deputy Attorney General  
Los Angeles  
Henry Torres, Deputy Attorney General  
Los Angeles  
Dolores Hernandez, Secretary  
Tim Muscat, Student Assistant-Sacramento  
Joe Patino, Student Assistant-Sacramento

## **APPROVAL OF MINUTES**

The minutes of the March 4, 1985 meeting were approved with the following corrections:

Page 21 - Change name - Deputy Chief Ream in the last paragraph to Owen McQuigen

Page 26 - In the third to the last paragraph insert "...can draw the line back to oppression by whites"(rather than of).

## **ANNOUNCEMENTS**

Msgr. Barry noted that Leticia Quezada has submitted her resignation from the Commission to the Attorney General in light of new responsibilities. He noted Joaquin Avila presumably will also be submitting his resignation because of the change in his position.

## **SCHEDULING OF NEXT MEETING**

After some discussion on the best meeting dates and place, the Commission agreed to meet on, Sunday, October 20 and Monday, October 21, in Fresno.

## **RIVERSIDE HUMAN RELATIONS COMMISSION**

Sharon Hosea, Director of the Riverside Human Relations Commission, welcomed the members to the City of Riverside and gave a brief overview of the functions of the Human Relations Commission. The Commission represents all ethnic minorities within the city. She said the Community Relations Office serves as staff to the Commission and their job is to work in landlord-tenant conflicts, housing problems, and affirmative action among other things. She noted that since she has been with the Commission there have not been any reports of racial, ethnic, or religious violence, but the Commission is concerned with those areas.

Commissioner Lytle asked if the Commission has any formal or informal ties with the Department of Fair Employment and Housing. Ms. Hosea responded that the Commission works directly through DFEH, especially in housing and employment. Once a complaint is brought to the Community Relations Office a form is forwarded to DFEH.

Commissioner Yu asked what their relationship is with the local law enforcement community. Ms. Hosea responded that they have a Law Enforcement Practices Advisory Committee. Between meetings of the regular commission, a subcommittee meets twice a month to review any problems that arise between the police department and the community.

Commissioner Saito asked how the Community Relations Commission is constituted. Ms. Hosea responded that its members are appointed by the City. Choices are made in accordance to the population. There is an application process.

Commissioner Mack said there has been indication of Klan activity in this area, and asked if any of this activity occurred in the past year. Ms. Hosea responded that there has been some activity by the Klan in the Inland Empire, but not in the City of Riverside.

Commissioner Coleman asked if the Commission mandate is broad enough to include sexual orientation issues. Ms. Hosea replied that if they are brought before the Commission it could be. She indicated there was not a representative from the gay community on the Commission at the present time and the 22 positions are filled, but if there is a vacancy, someone could be appointed.

Commissioner Herzfeld asked how the Commission was created. Commissioner Russell responded that the Commission was formed during the turbulence in the 60s. There was much trouble in Riverside, mostly racial, and it was founded specifically by the NAACP. At one point it was part of the State Human Relations Commission until the cutbacks caused by Proposition 13.

Commissioner Chavez asked if there is any disabled representation on the Commission. Ms. Hosea responded that at this point there was none. Commissioner Chavez urged appointment of someone to represent the disabled. He asked if there is any type of reporting system of crimes against the disabled. Ms. Hosea said if these crimes are recorded it is not done by their office.

Commissioner Yu asked if reporting goes back to the founding days and if they are keeping track of incidents of violence. Ms. Hosea replied that they do keep track of the incidents, and that information is filed but not being used by the commission in any way at this time.

Commissioner Herzfeld asked if the Commission initiates any action that would supplement their membership so that segments not represented could be appointed. Ms. Hosea replied that whenever there is an omission or a resignation, persons are recruited from the respective communities by way of announcing the vacancies publically.

Commissioner Yu asked what the break down is in the city with respect to racial, ethnic, religious population. Ms. Hosea said that right now 6.5% of the representatives are from the black community, 16% represent the hispanic community and the rest are anglos. None are of Asian extraction and only 6 members are females. They range in age from 32 to the mid 60s.

Commissioner Levy asked if they have any record of incidents against the elderly. Ms. Hosea said they did not per se, but she does know it exists in Riverside.

Commissioner Levy asked if there is anything being done about those incidents. Ms. Hosea said one of the major victim areas is right across the

street as well as on the outskirts. Most of the crimes that are perpetrated against the elderly occur there. This has been a concern and one of the things they are doing is locating police in senior centers so the seniors won't fear going to these centers and being abused. This is the first outreach by the police department in conjunction with the Commission.

Msgr. Barry asked if the office is supported by city officials. Ms. Hosea replied that they are. She said the office consists of 4 staff persons.

Msgr. Barry thanked Ms. Hosea for her presentation and said that the Commission will be recommending to the Attorney General the creation of Human Relations Commissions throughout the state. Ms. Hosea said that is something that is really needed from the Attorney General. We must try to get everyone together and something from the Attorney General's office will truly make the difference here.

Commissioner Yu on behalf of the Commission thanked Dr. Russell for the dinner and hospitality on Sunday evening.

#### **PRESENTATIONS BY THE NAACP**

##### RIVERSIDE BRANCH OF THE NAACP - EUNICE WILLIAMSON

Eunice Williamson, President of the Riverside Branch of the NAACP, gave a presentation on the activities of the NAACP in Riverside.

She said the NAACP is an organization with a long history and goal of eliminating racial prejudice, keeping the public aware of the adverse effects of racial discrimination, taking lawful action to secure its elimination consistent with their articles of incorporation with the National Association for the Advancement of Colored People. She gave some examples from her experience during the last three years. Following is the text of her remarks:

"We are called by people very often. I must point out that not all these have been documented. We do not have the background on all the cases. I wish to suggest to you that racial, ethnic, and religious prejudice is very much alive in this community. I will cite some examples. About 3 miles down the road some youth were barred from participating in a visit to the supermarket. The KKK is very much alive. A prominent highschool in this area experienced a "nigger application" circulated to certain students. Not only did the application have this notation but the fact that it was given to selected students, who were black, demonstrates the motivation. Racial prejudices exist in the U.S Post Office. We have had some situations involving problems with students who were attacked verbally and physically because of the street they lived on. We communicated this to school district officials. There have been some incidents of cross burnings in



this area and it is documented in articles in the local newspapers. I personally experienced some situations, probably because I am president of the local NAACP. I think a lot of people know that. We have received numerous phone calls from black families that live on streets occupied primarily by whites that have been subjected to difficulties primarily involving racial slurs and the like. We had four cases in 1984 and one in 1985."

"The NAACP regularly receives on its answering machine - we use an answering machine because we do not have any paid staff and that's the way we keep in touch with people - calls that say things I dare not repeat at this point. The KKK ran a campaign at one of our most prestigious campuses in the city of Riverside. There are a large number of instances of housing discrimination and it is not only from the stand point of black families but also against the elderly and the handicapped. It was also recorded that an officer in the Riverside Police Department wore to work an actual KKK T-Shirt. There is often times use of sexual oriented treatment made to individuals, to those whose sexual preference we may not agree with and are discriminated. We have documented cases of complaints persons have given to us of cases where people have been subjected to racial slurs at their work place. We often receive inquiries of discrimination from the elderly and the handicapped."

"One of the difficulties we find in Riverside NAACP is that one way that we do our fact finding is that people call and are asked to fill out complaint forms and we find that many people just don't bother. We have had some inquiry involving sexual orientation complaints and they mainly center around discrimination on the job. We also conduct an active campaign to encourage minorities and women to apply for spaces on the various commissions and boards and we try to target these groups by contacting them through local churches. We supported a work shop this last summer that was a race relations forum because we feel this issue is not dead and we must all play a role in dealing with it."

"The section of the Ralph Civil Rights Act is designed to be low priority as it competes against other issues. Also, it depends on the person taking the complaint. We think it needs to be enhanced. There are many issues law enforcement deals with that need priority but this needs it too. We are very pleased that law enforcement is involved in the data collection in SB 2080 and we are specifically interested in the data collected for the Riverside area. I thank you very much for the opportunity to make this presentation."

#### SAN BERNARDINO BRANCH OF THE NAACP - MARCEL JOHNSON

Marcel Johnson, President of the San Bernardino Branch of the NAACP addressed the Commission. He directed his comments to the crime problem and the role the Ralph Act plays with respect to the problems in San Bernardino.

Mr. Johnson said the questionnaire had been looked at by attorney Edison McDaniels.

With respect to the Ralph Act, he noted it does not have any enforcement provisions and that makes it a weak act. Also, a person must have sufficient income to provide an attorney and the NAACP does not have the resources to provide free attorneys. They would primarily participate only in class actions. He pointed out, therefore, that the people who most need the Act cannot use it. That is one of the biggest problems they see.

Mr. Johnson said he had created a crime committee to look at racially motivated crimes in the San Bernardino area to take action to resolve the problem of people, including police, who perpetrate violence against blacks because they are black. Blacks have been brutalized in jails since they are not seen to have rights. He indicated they have not had the cooperation of Internal Affairs of the Police Department.

Mr. Johnson said the Ralph Act does not let most minorities take advantage of it because most do not have the income to pay for attorneys, especially the blacks brutalized in jail. Another problem is that most of the local judges won't deal with problems in civil rights cases; the victims must go into federal court which is much more expensive. It appears that this is a weakness of the Act itself. He made the suggestion that judges be brought in from another area so that people will not be intimidated by local officials. The judges could revolve and more minorities can take advantage of the Ralph Act.

Commissioner Kassoy asked Mr. Johnson if he was aware that complaints under the Ralph Act may be brought before the DFEH. Mr. Johnson replied that they have a five year backlog, so you would need to get an attorney anyway and you are back to needing money most people do not have.

#### FONTANA-RIALTO BRANCH OF THE NAACP - OTIS SMITH

Otis Smith, President of the Fontana-Rialto Branch of the NAACP, addressed the Commission. Following is the text of his remarks:

"My subject today is police violence, racism, and police-community relations. The NAACP branches receive constant complaints each year about abuse by the police. Due to this there has been a perception of racism in the minority community. This leads to a reluctance on both sides to deal with each other. I will not cite all the complaints we have received because our purpose here is to state the facts to seek this Commission's recommendations that will remedy the cause of the problems not the effects. Let us look at the significance of racism and how it applies to police violence. The causal effect of racism on Americans is enormous and this is injurious to minority groups in ways that are unrecognizable to most Americans."

"For more than 300 years overt racism and institutional racism was an integral part of American life especially in the south. I guess the best definition is an operational one. I know that we all have different interpretations especially those who have experienced it. Racism is based upon the way people actually behave; therefore, it is any attitude, action, or institutional structure that subordinates a person/group because of his or her color."

"During the 300 years racism has been part of American life, many racist laws came about relegating blacks to a positions of inferiority - thought patterns, political, institutional, cultural view points and habits - reinforce this subordination. Examples of modern day racism include the deliberate exclusion of blacks and hispanics from labor unions, law firms, school districts, certain neighborhoods, college fraternities and private social clubs. The relationship between minorities and police has been called the roots of social disorder."

The U.S. National Advisory Committee on Civil Disorders has consistently urged the employment of a work force that represents the racial and ethnic composition of the community served, especially in the police force. A police force that better represents the community it serves will be much more effective as it is more attuned to the enforcement and social needs of the community. Serious underrepresentation continues to hamper the ability of the police departments to function effectively. Also, it is difficult to gain the respect of the minority community, increasing the potential of tension in police-community relations."

"The recommendation the NAACP will make to this commission is that the Attorney General appoint an investigative commission to study incidents of overt racism and institutional racism in the law enforcement sector and its effects on police-community relations in the state of California. I might add in the reflection of the consciousness here, that we know what racism is, many of us have experienced it. How does this group of intelligent people most effectively put these experiences and thoughts into action? The answer is to not investigate the effects but center on the casues and deal specifically with the roots of the problem."

Commissioner Lytle said she was specifically interested in the recommendations made in respect to the Ralph Act by Mr. Johnson. She said the Commission is considering a recommendation that the Ralph Act be amended to include Attorney's fees. She said she was interested in the statement that the federal system is the preferred route for these cases, and asked Mr. Johnson to elaborate on that.

Mr. Johnson stated that it is important for the local court system to have a good working relationship with local law enforcement officials. The only way to circumvent this factor, that would bias a case of the Ralph Act nature before it even began, is to go to another court, an impartial court, that does not care about a relationship on the local level. Money is also a difficulty and it is hard to get the necessary results in state court.

Commissioner Lytle asked if he meant that if a case came before a local judge that it is highly unlikely that that judge would rule in favor of the plaintiff. Mr. Johnson responded that is correct.

Commissioner Lytle asked when was the last time that a complaint filed with the NAACP was filed in a state court.

Mr. Johnson said he could not recall one at their branch, but has heard of others. He noted they do have a legal department and their attorneys on the local and state level review the cases and do bring them before the DFEH.

He said that during the last three years he has initiated some cases but they have not been resolved. So we need to work on the court area and revamp the Ralph Act. It might also be a recommendation to increase the sum sued for, which might encourage more use of the Act.

Commissioner Yu said one of the comments made is that police-community relations have not been ideal and asked in what way community groups can better coordinate with local law enforcement to get better results.

Mr. Johnson responded that he had formed a crime committee, and the person in charge is a former police lieutenant who is very knowledgeable of the police department. He has been able to work with the police department to resolve some problems.

Ms. Williamson said something else they have done in the Riverside area is work with community relations commissions. They also have a dialogue with the City Managers office on a bimonthly basis and have been able to work with the police department on some incidents.

Commissioner Yu asked if the police add any specific significance to those incidents that seem to have some racial or ethnic motivation.

Ms. Williamson answered that it is difficult to say. They ask if the victim has contacted anyone besides the NAACP - other agencies, organizations, police - and informed them of the racially motivated incidents, and often times they have not.

Commissioner Chavez asked how many reports are received from the disabled. Ms. Williamson replied that she did not know and would have to collect this data. She said they receive inquiries from people and ask them to come in to write it down so they can investigate it. Often times people never come in for some reason or another, and they lose almost half of all the calls. With respect to the kind of crimes reported, the perimeter is very broad, everything from architectural barriers to robbery because of their weakness against attackers.

Commissioner Chavez asked for a report on the breakdown, but Ms. Williamson said it would only be a report of figures because they do not have any written analysis.

Commissioner Mack asked if any of their chapters were aware of an incident that had been mentioned to him regarding a recent incident that occurred when a young man was allegedly killed by someone from a law enforcement agency.

Ms. Williamson said there is on record an incident where a young black man died in the Riverside County jail. The Riverside NAACP has sent a letter of inquiry. As of now they have no facts except that a young black man died in the Riverside jail.

Commissioner Yu asked if they have an incident report sheet, or if they just ask people to write down what happened. Ms. Williamson said when a person calls the office, they leave their number and give a brief discription of the incident. The calls are returned, but no determinations are made until they fill out a form which is sent to them, and which is reviewed by a volunteer panel when it is received for evaluation and investigation. Commissioner Yu asked Ms. Williamson to send staff a copy of their complaint form.

Msgr. Barry thanked them for their presentations. He said the concept of revolving judges is a recommendation that should not be lost.

Commissioner Coleman said there may already be a mechanism that would allow for this. All that is needed is acknowledgement by the local judges that this would be a desirable thing, and said he thought the Judicial Council has the power to make temporary appointments. We may inquire of the Judicial Council if this is feasible. He encouraged them to seek out those local judges and obtain their acknowledgements. Commissioner Coleman added that it was his impression that the problem exists in communities throughout the state but some form of cooperation on the local level must be ascertained at the outset.

#### **CRIME VICTIM CENTER - DEBBIE FREEMAN**

Marty Mercado noted that Nancy Kless was unable to attend because she was attending another hearing sponsored by the Attorney General's Office and Debbie Freeman would make the presentation.

Since the late 70s there has been a special treatment program for victims of violent crimes. In the past these victims had no special programs. Nancy Kless, a hospital social worker, felt that like rape, victims of violent crimes - shootings, assaults, and others - need special attention.

Ms. Freeman said they center on psychotherapy to help the victim get over the trauma of the attack. A crime victim has a multitude of needs. They are able to put victims in touch with other services that they need like the appropriate social services, health providers, and offer grants that they receive from the State of California for some of these services on a sliding scale basis. The Victim of Violent Crimes Program provides the money. Freeman said that often times the financial crisis after the crime is as intense as the trauma of the attack, and this is heightened when a case is refused by the State Board of Control.

Although many crimes are motivated by racial and ethnic prejudice, Ms. Freeman said she wanted to talk about bigotry and racism in our own reimbursement system. In summary of how the system works, she said victims of violent crimes may receive up to \$23,000. Eligibility consists of being a victim of violent crime when there is injury or threat of bodily harm to the person; victims must be residents of the state, a police report must be

taken, and the person must agree to cooperate with any investigation. The person cannot have contributed to the crime, and this is one of the cloudy areas. An applicant then sends the application to the Victim Assistance Program and a police report is submitted. The way the police report is phrased is crucial. An analyst reviews the application and makes a recommendation for award to the State Board of Control. The case can be awarded by the Board, or it can be set for discussion, deliberated or denied by a committee reviewing the case. As it stands, the committee is made up of three white males that are political appointees of the Governor. If a case is denied it can go to a hearing with a person appointed as an advocate or the victim can hire his/her own attorney.

Freeman said that they are now seeing racism and bigotry from police reporting all the way to the Board members. Stereotypes affect how police reports are written up. She said that what she was presenting is based not only on their experiences, but on a pool of experiences by the local coordinators that she has been asked to represent. It appears that the rules of the Board are vague enough so that the Board is able to make subjective judgements and their findings have been inconsistent. This is a primary concern.

Another problem has to do with the "contribution clause" of the Board's procedure of acceptance or denial. Claims routinely denied are if the police write up in their report anything about inebriation, mutual altercations before the crime, or anything regarding drugs. If the person is a victim of a hit and run and was not walking from corner to corner it is considered contribution, or if a person is stunned, which is common after a head injury, and it appears in the report that the person was "uncooperative" or "perhaps inebriated", it is considered "contribution" and denied. She said non-English speaking people do not come across as well and do not get treated as well as a white person wearing a business suit. This is reflected throughout the entire system. The Board has trainees that are told to tell those that appear before the court that they should look presentable. There is a case when a monolingual Spanish-speaking person addressed the board in a t-shirt. Although it was a very strong case and there was much factual evidence, the case was nonetheless denied. The perception was that the case was denied because the person was not fluent in English. She said minorities regularly get denied when they appear without an attorney.

Freeman said there are also problems with complaints from the gay community when the police write that it was a "lover's quarrel"; these cases always get denied. She cited a case where a gay man in a bar was hit over the head and the police said that it was a lover's quarrel even though the person received a severe concussion, a head trauma, and was bleeding from the ear, but the police refused to take a report. She said that soliciting is not a crime, but police usually write the report in such a way that if the victim solicited a ride from someone and ended up being victimized it is considered "contribution". She cited another case, where a gay person was beaten up and his car stolen. The Victims Assistance Coordinator from the City Attorney's Office in the Los Angeles area took the case even though it didn't seem to others to have much merit. He took it to the Board, it got a hearing and eventually went to court becoming a precedent setting case. Often times the Board does not agree to go to court with these cases.

Freeman said it also appears the amount of the award sways the Board. The Board always asks how much the award is expected to be. If it is very high, at times it is denied, not based on the merits of the case. Freeman asked that there be an investigation to see if there is bias beginning with the police who write reports all the way up to the Board. She noted that the guidelines need more teeth. The amount of any award should have no bearing on the decision; in fact, the members should not have previous knowledge of that. There should be some consciousness of the makeup of the board. They should be experts on victimology and employees of the state, rather than political appointments and should reflect the ethnic mix of the community.

Freeman said the Center is part of a coalition in Los Angeles that includes parents of murdered children, Mothers against Drunk Driving, Victims for Victims, and they are expanding. She said they are a private non-profit organization that employs mainly psychotherapists. In response to a Commissioner's question, she said they do have multilingual workers and multilingual assistance.

Commissioner Rodriguez asked if they had any indications about the boat people of Vietnam being victimized, and Freeman responded she personally did not.

Commissioner Rodriguez asked if the decisions by the Board of Control are appealable to the court. She responded yes, but the Board needs to approve to go that far, and this is a problem.

Commissioner Yu asked that information on how the Board is constituted and operates be sent to Commissioners.

Commissioner Coleman said he wanted to point out that there is a big difference whether a district attorney represents an individual before the board or if the person has to hire their own attorney. The District Attorney's Office has full discretion and there is much room for discrimination. He said this is an area that needs to be looked into so that we can develop some guidelines or criteria. Ms. Freeman said there are guidelines but they are so vague that it is left up to a subjective decision.

Commissioner Chavez asked what incidents of crime they have against the disabled. Ms. Freeman said she did not have any hard statistics but they do have a fair amount of disabled people who are victimized. Crimes range from assaults, assaults with a deadly weapon, petty theft, and rape. She said they provide counseling and referral to other appropriate agencies, They do crisis intervention, helping the victim get their life back together. She said they have a disabled consultant but no disabled persons on staff.

#### **PROBLEMS OF ELDERLY**

Commissioner Janet Levy gave an overview of some of the problems of the elderly. She said there is currently statewide concern over the increase of

violent crimes including that of abuse and violence against the elderly and disabled within the aging "network" of organizations and agencies. Countless efforts are being made to provide local reporting systems through senior centers, local chapters of national organizations, and other resources within the aging field. Since the San Francisco Senior Escort Service has been in operation in conjunction with the San Francisco Police Department, crimes against the elderly in that area have diminished considerably. It is recognized and recommended that similar programs and special services be provided in all areas of the state where older persons are constantly being threatened by various methods of assault, robbery, murder, and rape.

Commissioner Lytle said it appeared from press reports that much of the abuse of the elderly is perpetrated by relatives or children. She asked if there is any recommendation for law enforcement to work with service agencies to discover these kinds of incidents. Commissioner Levy said this is indeed a concern but it is difficult to detect.

Commissioner Lytle said that much of the trouble with victimization within the family comes from the family's inability to deal with that person and that counseling of the families might be of assistance in that regard. Commissioner Levy said an important point of that is that 75% of the incidents are perpetrated by the oldest son of the family, and counseling services may relieve some of the stress that causes these crimes. So some program where the oldest child was counseled could make a great deal of difference.

Commissioner Levy said that the problem of the institutionalized elderly is also a concern. This is caused by the untrained and insensitive help in these institutions due to the low wages. Oftentimes care is just not given.

Commissioner Rodriguez asked to digress from the agenda to allow Luis Escontrias, Councilman from Santa Fe Springs to address the Commission. Mr. Escontrias expressed concern at the lack of Hispanic representation at the meeting. He asked that the Commission make all the efforts possible to make sure that the hispanic community is represented, there are some very serious issues they need to air.

Commissioner Lytle stated that the opportunity to give us information has not been lost, and noted the Commission accepts written testimony as well. Marty Mercado noted that it will be beneficial to have the meeting in Fresno where, with the aid of Judge Rodriguez, the hispanic community will have an ample forum to voice their concerns.

#### Community Relations Training for Law Enforcement Officers

Gary Kusunoki and Hector Rivera, executive directors of the Training and Research Innovations Group, gave a presentation on their organization which specializes in providing training for law enforcement officers.



Kusunoki said the work they are doing with the Training and Research Innovations Group is apart from the work they do with the Police Department. He distributed an article (See Attachment I) that was written for Chief of Police Magazine which is an internal publication, about what they view as the need for public relations training for police officers.

As background of what they have done in that area, Kusunoki said they have designed a course for line officers that is offered at Chapman College. They also offer a course for administrators on the executive level, for chiefs, sergeant and above, on how to develop human relations training for their departments, development of policies on how to work with the community, etc. In addition, they will be going to Houston with staff of the Human Rights Resource Center to speak at the International Association of Chiefs of Police conference on this subject.

Mr. Rivera gave a brief history of their training program. It emerged from efforts to settle disturbances. When they began looking into these situations they discovered that the only way to resolve the problems out in the field is to understand the people that are in those disturbances. There is a need for cultural training, to understand where they come from and why they do the things they do, and their habits. From that perspective they formulated the course. They looked to see what other states had done and found that there is not a course that could meet their needs; so they took it upon themselves to develop a course through research tailor to their needs. Their purpose is to equip the officer with the basic information that could help him deal with the various cultures out in the field. These officers are trained professionals, and this would give them a new perspective.

Specifically, with respect to the Ralph Civil Rights Act, Rivera said their is nothing in that Act that really affects local law enforcement, and it is not enforceable by a local peace officer. If it is the state legislature's intent that they want the elements of the Ralph Act enforced by local law enforcement, then the only way to do that is to get specific laws. From a law enforcement point of view, they would want it to be as specific as possible.

Rivera said in terms of their training, especially the line officers training, they talk about specific groups such as the KKK and the Nazi's and what crimes they specialize in; what there trademarks are. He said they find that a lot of times officers respond to a call and they don't recognize what they see; they don't realize that a painted swastika is more than just vandalism. One of the major goals of their course is teaching officers to recognize racially or religiously motivated crimes.

Another problem he said, is that local law enforcement is not even aware that the Ralph Civil Rights Act even exists, and that can be resolved through training; and specifically what to do when they encounter a civil rights violation. In the academies they really do not teach you what to do when you have a civil rights violation. As far as line officers are concerned they just know the FBI handles it and that is about it.

Kusunoki said in terms of SB 2080 data collection design, it seems to focus on how to collect the raw data, how to fill out the forms, what type of act we are looking for etc. He indicated that it is not effective as a policy statement on the sensitivity required in collection of the data. He said that because law enforcement is going to start collecting incidents of racially motivated or ethnic crimes does not mean that all of a sudden they are going to be sensitive or aware of the differences in the community. It depends on the people you have as trainers. Training is given to the key people and then it is up to the key people in each department to go and train the rest of the people within his department.

Another problem, he noted, in training only key people is that what is going to come across to the rest of the people from this key person is his attitude or ideas about whatever he is working with. Some people might not even like collecting extra statistical information and maybe they don't even want the project to go because of their own prejudices. If the training is not uniform across the board from the chief on down to the patrol level, and controlled then you are going to have a lot of problems in that area.

Officers are resistant to filling out any extra forms because they are already overburdened by so many forms. So asking them to fill out another one would actually cause them to vent their anger towards a particular project, Rivera said. He said this could be corrected with something as simple as using activity codes. For instance, he noted that in their department, based on the specific crime, they have a specific code for that crime and adding something simple to that code in a form of 3 or 4 numbers or letters can facilitate the process without adding any more work for the police officer.

Rivera said their training also helps to reduce the alienation felt in the community, and they are also teaching specific methods in crisis intervention. What may work for the anglo community may not work in the Latin American community or the Black community. Training given to officers must be specific. He noted they also design training based on the specific needs of the community. For instance, in Orange County they are concentrating on the Asian cultures, because in Orange County that is one of the newest influxes of groups there. Their course has been certified by the POST on the line officer level.

Rivera said on the executive level, one of the problems they found is that chiefs of police were not educated as to there even being any need for this training. That is why they are going to Houston, and why they formed their own organization because they felt the need to educate administration. He said if you leave the administration level of law enforcement out and just do a project that is going to concentrate on the patrol level or line officer level it is not going to work. It has to be supported by department policy and it has to be backed up by the people in power within that organization or it is going to fail.

Commissioner Chavez asked if they have done anything with the disabled. Kusunoki answered they have not. Kusunoki cited an incident in Irvine where the police department encountered an autistic youth and were not sure exactly what was wrong with him. They didn't even know he was disabled, mainly because of lack of training, and they weren't able to recognize the symptoms. An incident ensued where they became involved in a scuffle and the autistic young man was injured. Since then Irvine has instituted training in dealing with the disabled. He noted they wanted to include this training in their course, but were unable to find an instructor. Commissioner Chavez emphasized some type of training on dealing with the disabled should be considered.

Kusunoki said the Orange County Human Relations Commission is working on some training. They do have some films available to the police department for training in dealing with the disabled.

Commissioner Mack asked about the extensiveness of their training program and how many local law enforcement, officers they have reached.

Kusunoki said the major goal is to reach all law enforcement, but they did not institute training to a specific department or area. They presented the course to Chapman College who in turn took it to POST which has approved it. Therefore flyers have been sent out to all police agencies within the state and they can send any member of their department to this training. To date 20 some odd officers have enrolled. The course is going to be put on for the first time this September.

Commissioner Mack said that any training along human relations, - racial relations lines, has to be specialized according to a given group. He asked Mr. Kusunoki how they are planning to address that issue in their training. He said Kusunoki had mentioned, for example, that in Orange County they had specialized on training on Asians in view of the influx of Vietnamese in that area. Commissioner Mack planned to develop other models to reach other groups, such as the Hispanics, homosexual, Blacks, etc.

Kusunoki responded they are currently talking with the large metropolitan sheriff's departments interested in their training, on a station by station basis, and basically their methodology would be to meet at the staff level and the patrol line level and talk about some of the things that have gone on in the community involving these types of incidents, what their impressions are of why certain incidents happen, how they could be avoided, what type of training they would like to see etc. This is done on the patrol level and administrative level. They also go into the community and talk to community representative groups as to what their perspective is and what they want to see in the training.

Kusunoki said their course for line officers consists of 24 hours or 3 days, and the executive development workshop is a one day course. He said it was originally designed as a 40 hour course but because of the difficulty, particularly for small departments, to release officers for a whole week they decided on the shorter course. The 24-hour course qualified for advanced officer training which is 24 hours. Their 8-hour executive course had been designed as a 24-hour course but they streamlined it to focus on the need for the training and how to implement it.

Bishop Herzfeld asked if they have considered building into their training program some component for cadets or rookies or persons under application for law enforcement placement for hiring. Kusunoki responded they they do not have any arrangement to that effect.

Kusunoki said there is a problem facing most law enforcement agencies with affirmative action. Their goal is to hire police officers to represent the minority communities. However, just because you have minorities in the police department doesn't mean you don't have problems with minorities. The minority officers that are coming into law enforcement are coming from the same general middle class background as the majority and have the same basic ideals. There is a lot of peer pressure to conform and every officer needs training no matter what ethnic background they are from.

Commissioner Russell asked what kind of training in human relations Mr. Kusunoki and Mr. Rivera have that qualifies them to present this kind of training.

Kusunoki responded that they are not experts in the area of human relations. They are trainers. What they did basically is design the course and they then pick the instructors, and facilitate the training. As far as teaching, they do some of the instructed portions and some on crisis intervention and deviations, but he said cannot go in front of a group of officers and tell them the needs of the Asian community because he does not know them. They have to get people that have the knowledge to teach them. A conglomeration of different instructors, all of whom are highly qualified in this area and have the unique knowledge of the subjects, are used.

Commissioner Coleman cautioned against the use of the word homosexual or homosexual community. In so far as the evolution of language and terminology and consciousness, these terms over-emphasize the sexual aspect of one's meaning and perpetuates stereotypes about individuals. Using gays, and lesbian/gay community or individuals would help in that regard. He asked if their course deals with sexual orientation, and is the law enforcement community aware of this.

Kusunoki responded that this is included in their course, and they are letting people know about it. They are working very hard with every community group who has their own knowledge and concerns, so they are not trying to overplay or underplay anything. They are going at it through a law enforcement perspective as a means of training, that we need to train law enforcement so that they are not going to be as resistant to it.

Commissioner Lytle said with regard to their concerns regarding the Ralph Act it is not only important that people understand what the Ralph Act was designed to do but, also that they understand the philosophical basis for that kind of civil remedy.

## **PROBLEMS OF THE DISABLED**

Commissioner Richard Chavez gave an overview of the problems faced by the disabled. He said the disabled have a particular concern which ranges from civil rights to the disability boards. He said they have a particular concern because of attitude and prejudice, even though the disabled have the most legislation to protect them. The number of incidents of violence against disabled is hard to determine. He said that to his knowledge there has only been one study done back east on the number of incidents against the disabled. Records are not kept by police departments.

Commissioner Chavez said that as a member of the State Personnel Board which oversees all state employees as it relates to the merit system, they get all the punitive actions so he gets to see a number of cases of violence and abuse as it relates to the developmentally disabled. These rarely get to any type of criminal prosecution and for the most part are punitive actions. He cited one case of a man working as a janitor where there were blind women transitioning back into the mainstream society, which is a very delicate period in their life, who was accused in five separate incidents of abuse, from verbal to sexual, and a punitive action was brought against him, and he was terminated. However, he appealed to the State Personnel Board and on a 3 to 2 vote he was reinstated. The rationale was that these women could not identify him because they were blind.

Commissioner Chavez asked that Marty Mercado read into the record a letter from a parent of a developmentally disabled individual who was abused where the district attorney declined to prosecute because it was determined that he lacked the competency or credibility to testify. (See Attachment II)

Commissioner Chavez then introduced Barbara Waxman, consultant in disability and public policy, who addressed the Commission on problems faced by the disabled. She outlined the social position of disabled people, pointing out that although they are represented in all racial, religious, class, age, and lifestyle groups in our population, they also comprise a distinct minority group which shares a common experience of institutionalized segregation, social isolation and political disenfranchisement. She said that like other stigmatized groups such as women, the elderly and ethnic and racial minorities, disabled people have been subjected to and targeted for violence.

Ms. Waxman said the problems disabled people encounter generally, as well as in relation to assault, are based partly on their functional limitations, which in many cases imposes some degree of dependence on others. She said that disabled children are especially vulnerable to abuse, and that children and adults who are victims of abuse may become disabled as a result of the abuse. Although she was not aware of any recent data, she cited a 1962 study that found that 85 of 302 abused children suffered permanent neurological disabilities.

She said that according to a 1982 report by the National Committee for Prevention of Child Abuse, potentially abusive parents have very low tolerance for great stress, especially if a child's disability leaves parents feeling guilty, resentful or depressed.

Waxman said that violence against the disabled often goes unreported, because it is often perpetrated by caretakers in state licensed facilities.

She made the following recommendations:

1. That the Attorney General's office should instruct law enforcement agencies throughout the state to include in their data collection systems information on disability.

2. That a statewide survey be undertaken by the Attorney General's office of victim assistance programs, rape hotlines and crisis centers to identify service gaps and training needs of these professionals.

3. That the Crime Prevention Center of the Office of the Attorney General should expand their program which assists the disabled community in becoming aware of prevention and personal safety. Funds should be identified to train disabled persons in assault prevention, who could work within the disabled community regarding these matters, and thereby open up a new area of employment to disabled people.

4. The Attorney General's Office should instruct victim assistance programs to develop effective information and referral sources to the disability service delivery system. Such referrals would assist those victims of crime who acquire permanent or temporary disabilities as the result of their attack.

5. The Attorney General should instruct the state funding agency for battered women's shelters to evaluate its policies which require these agencies to accommodate people with disabilities. On-site visits to these shelters will ensure compliance with state and federal accessibility regulations.

6. Legislation should be enacted which establishes stiff penalties for state funded personal care attendants who are found to abuse their disabled employer. These attendants, paid through state In-Home Support Service funds, should be considered and treated as state employees by the courts.

7. The Attorney General's Commission on Racial, Ethnic, Religious, and Minority Violence should establish a study which evaluates the need for additional protections against abuse of disabled people by their family members.

Ms. Waxman concluded her presentation by stating that she was angry at what she considers the Commission's insensitivity towards the disabled. She noted that there was no disability representation on the Commission for

over a year, but did little to change the situation, and that the Commission had failed to adequately publicize its existence. She said that prevention programs cannot be designed and violence cannot be done away with until this Commission and society accepts that hostility and discrimination towards the disabled community is both pervasive and intolerable.

Nora Baladerian, Mental Health Consultant, also addressed the Commission. She said that her major area of work for the past ten years or so has been as a therapist for individuals with developmental disabilities and their families. She said her particular areas of work are in sexuality and advocacy, particularly law and disability.

Baladerian said that her most important recommendation to the Commission is that the Attorney General design and implement a training program for district attorney on different kinds of disabilities; on determining credibility of a witness through a process of a structured interview, as opposed to rejecting the case on the discriminatory assumption that the witness/victim's disability renders them incompetent or incredible; community agencies and experts who can assist in prosecuting cases.

She said that numerous cases of assault against minors and adults with disability have been brought to the attention of the police, but the cases were not filed by the district attorney because they felt that due to the severity of the disability the credibility of the victim was insufficient.

She said that the failure to file is a result of discrimination and lack of information about disabled people on the part of the district attorney.

She also brought to the Commission's attention the document "Prosecuting Cases of Physical and Sexual Assault of the Mentally Retarded", produced by the California District Attorney's Association. She noted that it is basically an excellent handbook. However, she said it had glaring deficits in that the discovery of "informed consent" to sexual conduct for mentally retarded persons is inadequately explored and concluded. She submitted a copy of her response to that document which explores that issue and possible solution. She recommended that these documents be distributed to the Commission members for review, and that following their review and approval the Commission recommend that both documents be distributed by the Attorney General to district attorneys throughout the state.

Baladerian said another issue of concern is that at this time the child abuse reporting form does not request information about the disability of the victim, and recommended that the Commission recommend that the child abuse reporting form be changed to include questions about the disability of the victim; and to change the police report form to include information on a victim's prior or resulting disability.

#### **SB 2080 UPDATE**

Mr. Scott Lorigan, Special Services Bureau of Criminal Statistics gave an update on the SB 2080 Pilot Project. He indicated the project is on track and the report to the legislature is due in January. He indicated it would be premature to draw any conclusions at this time.

## **SUBCOMMITTEE REPORTS**

### **LITIGATION SUBCOMMITTEE**

Commissioner Lytle said the Litigation Subcommittee had presented its recommendations to the Commission almost in final form, but that they would incorporate the recommendations that are coming out of the report that is being prepared by the Human Rights Resource Center. Their focus is the litigation authority of the Attorney General and how that authority can be reinforced.

### **LEGISLATION SUBCOMMITTEE**

Commissioner Yu reported the subcommittee has decided to hold a hearing on October 7, in San Francisco and she would arrange to use the State Bar Association building if available. She said she would like to have all the commissioners, as well as staff, embark in a fairly aggressive campaign to turn out a lot of high quality people representing themselves or organizations and had made up some assignments of persons to contact. She said they wanted to get a good cross section of people from a variety of different interest level groups, such as the criminal justice system, and would try and encourage more attendance from police officers, public defenders, district attorneys and organizations.

Commissioner Yu said that we would send the usual letter inviting testimony and the assignment sheet would be sent to all commissioners indicating what groups they should contact with follow up personal phone calls or contacts to assure the attendance and participation that we would really like.

Commissioner Yu gave a summary of the public hearing held in Los Angeles on May 23, 1985. She said 9 or 10 representatives of various groups appeared at the hearing including Deputy Director, Department of Fair Employment and Housing, Earl Sullaway; Los Angeles Human Rights Commission, the Asian American Legal Center, a Deputy City Attorney in Los Angeles; people from the enforcement division; the counsel for the Anti-Defamation League, western states area; and Asian Pacific American Advocates of California.

Most of them addressed specific questions that had been posed to them in the questionnaire about law enforcement officer responsibility under the Ralph Act; their views as to why the Ralph Act isn't used; whether or not there should be sanctions for the violation of the Ralph Act; ideas about how it can be strengthened. How the problem of judgment proof defendants figures into the Ralph Act and how can we remedy it. What, if any, authority should the Attorney General be given to bring civil rights actions; should we have penal laws criminalizing violations of civil rights; what would be the usefulness of providing sentence enhancements for hate crimes; should there be mandatory jail time for such crimes; should the Ralph Civil Rights Act have a "conspiracy to deprive" clause in terms of violating civil rights; what would be the difficulties involved there. She noted we did get some comments from peace officers. There weren't very many who were able to attend. We would like to increase and improve, attendance of the San Francisco hearing from the law enforcement side.



Commissioner Yu said the committee did have some specific recommendations with respect to the Ralph Act, and these have been referred to the consultant for inclusion in the next draft report. She noted the committee also saw a video tape that one of the city deputy attorneys in Los Angeles had brought, which showed quite graphically some of those types of hate crimes, particularly in the area of religious and anti-black types of behavior. She said the committee expects to meet before or after the public hearing on October 7, and hope to have a specific list of proposed legislative ideas to recommend to the Commission.

#### **EDUCATION SUBCOMMITTEE**

Commissioner Herzfeld asked Marty Mercado to give the report for the Education Subcommittee. She said the first draft of the updated Civil Rights Handbook is expected to be ready for the Commissioner's to look at shortly. The committee identified the development of a civil rights handbook as the top priority. In addition, it is also interested in developing a public information brochure which could be used as a handout for people, to explain their civil rights and give them information on how to report these crimes. She indicated that this could be easily excerpted from the Civil Rights Handbook when that is developed. Bishop Herzfeld raised the issue that there are certain groups that need information in other than English language. Mercado noted that when the brochure is developed it can translated into Spanish and various Asian languages, and the department has access to people who can do that.

With respect to the issue of cultural relations training in the schools, she said that Msgr. Barry had written to Attorney General John K. Van de Kamp urging that he contact Superintendent Honig about ways that a program such as "Hands Across Campus", which is an example of a program that seems to be working, and suggesting that it be implemented on a statewide basis.

Several suggestions for forming recommendations which are being considered by the committee to pass on to the commission, are some of those that are already being considered by the Commission as a whole, and are also included in the issues and recommendations developed by the consultant, such as encouragement for the creation of human rights commissions in every county; encouragement of community relations and other community groups to assist in taking reports of incidents; educating the public about the problems of racial, ethnic, religious, and minority violence and victims rights, including distributing brochures that we could make available to them, and encouraging people to report these kinds of incidents and try to keep track of them the same way the Anti-Defamation League does.

Bishop Herzfeld said another recommendation discussed was relative to encouraging the Attorney General to develop a regular news letter with an update on the development of a brochure. Also, that in some way we try to deal with the destructive effects of stereotypes sometimes created by the media, by the people who control the environment, especially with respect to Asians, Hispanics, Blacks, native people, gays and lesbians, and the elderly and persons who are physically or mentally disabled.

Mercado noted the DOJ Crime Prevention Center should be encouraged to do more about getting information out to the disabled communities telling them how not to become a victim. She noted the Crime Prevention Center does have some of these brochures which are being updated, and that she would be looking at them to get them translated and the elderly crime prevention brochures as well.

#### **OTHER COMMENTS**

Commissioner Chavez noted that because it is necessary for him to sleep in an iron lung at night he would be unable to attend the Fresno meeting and asked if it would be permissible to send a designate in his stead.

Commissioner Lytle said she would move, if it required a motion, that Mr. Chavez be given the authority to appoint a designate for attendance at the meeting. The motion was seconded and passed.

#### **PUBLIC COMMENTS**

Zenaida Ortega, program coordinator for the grass roots women's program, with the Community Services Department, San Bernardino, addressed the Commission on battered shelters and sexual assault services. She noted this is an anti-poverty agency and their mission is to alleviate poverty in San Bernardino County and develop self sufficiency among low income individuals.

She said they are in support of Senate Bill 135, which deals with family violence, and asked for the Attorney General's support. She submitted a copy of their poverty study which was based on the 1980 census and recited some facts from the report.

Persons of Spanish origin comprise the second largest racial category; 17% of the Spanish population is below the poverty level. Among families below poverty level, 45% of families are headed by female. Hispanics and Blacks have the largest percentage of families below the poverty level. She said their main concern is to have more battered shelters in San Bernardino County. They have a total of two battered shelters available for women in the city of San Bernardino, and about seven shelters throughout the whole county; which is 20,167 square miles. She said the City of Fontana is trying to get a shelter started. In the month of June they had 415 calls just around domestic violence cases. Out of the 415 calls, 89 were reported where some police office came to the house and did something about it. She said they need more money to work with minority women and for sexual assault services and battered shelters. Basically the minorities that are served in the battered shelters are American Indian, Pacific Asians, Blacks and Hispanics. She said it would be helpful to have the Attorney General's Sexual Assault Service Handbook and the Women's Rights Handbook in Spanish.

Msgr. Barry thanked Ms. Ortega for her presentation. Msgr. Barry noted that it had been suggested that the whole question of domestic violence should be addressed. That while there are other groups that are giving attention to it, nevertheless, in some way before we finish our overall hearings we should address this issue.

Commissioner Levy said she feels that it is doubly important because of the effect upon youth, too.

Commissioner Yu noted that it is such a sweeping problem it could involve a whole separate commission.

Commissioner Levy said it affects the racial, ethnic, and all the groups we are concerned about but we have to confine it somehow.

Commissioner Coleman said that he looked at some material that he received from the San Francisco Police Department on how they are instructed to handle cases of domestic violence and found that their wasn't anything mentioned at all that this had any bearing on people who are living together in gay relationships. So to the extent that there may be sexual orientation, discrimination, or racism, etc. in the way in which domestic violence cases are handled it is relevant to our concerns and we might address that without necessarily getting into the entire subject.

Commissioner Lytle stated that the Governor's Task Force was frequently asked to handle types of violence that were not in the original mandate itself and one method used for doing that would simply state that the constituency groups about which we are concerned in our mandate frequently suffer in the area of domestic violence because they are minority, or because of their sexual orientation, and we should leave it at that because we have a responsibility to our original mandate.

Commissioner Kassoy said that there is currently pending some legislation dealing with a study on sex crimes and sexual perversion, and asked if it would be appropriate for the Commission to communicate to the appropriate committee in the legislature to express our support for AB 1430.

Commissioner Coleman said that with respect to AB 1430 they are talking about stereotypes in violence, especially violence against lesbians and gay men, based upon outdated notions regarding homosexuality. The Legislature amended a law at one time, and it is still on the books, that the Department of Mental Health should study the causes and cures of homosexuality. He said this is violence and intimidation against gay people and that particular subsection or phraseology needs to be eliminated from the code immediately. He said we can't build anti-discrimination statutes on the foundation that gay people are sick and need to be eliminated from society. Whatever the Attorney General can do as an individual as a public official or individuals from this group can do to support this legislation would be helpful. He noted the bill got through the first committee on a 7-0 vote because it was a spot amendment to an existing bill and there was no time for opposition. Commissioner Coleman said it is related to the work of this Commission because it perpetuates the stereotypes about gay men.

Mercado suggested that the Commission should recommend to the Attorney General that he take a certain position and not the legislature. She said she did not know what the departmental position is at this point.

Manny Medeiros, Deputy Attorney General said he also did not know whether the department has a position on the bill or not. He noted that under the

Open Meeting Act the Commission cannot take action on a matter that is not on the agenda. Therefore, he suggested we get copies of the bill, find out the department's position, and circulate it to the Commission members, and put it on the agenda before any action is taken.

Commissioner Coleman said that Assemblyman Roos introduced the bill and that Assemblyman Agnos is a co-sponsor. He said he thought Assemblyman Agnos would like to appear before the legislative committee to officially ask for our support and in that capacity he could be put on the agenda. He said he was not asking for official action at this time, but felt that it was an important point of information to share with people, and then they can do whatever they can individually, or staff can talk to the Attorney General about aiding independently to secure passage of the bill.

#### **MEETING ADJOURNMENT**

There being no further business, the meeting was adjourned at approximately 4:37 p.m.

ATTORNEY GENERAL'S  
COMMISSION ON RACIAL, ETHNIC, RELIGIOUS, AND MINORITY VIOLENCE  
August 26, 1985  
Riverside, California

Attendance List

Shirley M. Lewis, Commission on Aging  
Ola Faye Stephens, Riverside  
Debbie Freeman, Crime Victim Center  
Otis B. Smith, NAACP  
Marcell Johnson, NAACP  
Donna Dorsey, San Bernardino City Hall  
Suzanne Fisher, Governor's Office  
Sylvia J. Johnson, Riverside  
Eunice T. Williamson, NAACP - Riverside  
Sam James, NAACP - Riverside  
Faye Beith, Department Community Action  
Glenda Burnett, City San Bernardino  
Earl Sullaway, Department of Fair Employment and Housing  
John Staffin, Department of Fair Employment and Housing  
A. Gurza, Press Enterprise  
Barbara Faye Waxman  
Zenaida Ortega, Community Services Department, San Bernardino County

1409 So. Adria St.  
Anaheim, CA 92802

August 21, 1985

RECEIVED

AUG 21

CHAVEZ INSTITUTE

Mr. Richard Chavez  
7668 Telegraph Road  
City of Industry, CA 90040

Dear Mr. Chavez:

Since I am unable to appear at your commission meeting here are the details of the sexual abuse of my developmentally disabled son, James, age 25.

Re: Thomas Matthew Lopez  
Orange County Sheriff/Coroner Case #741105  
James Manseau  
Jeff Conrad

In September 1984 James & Jeff reported to Good Shepherd Lutheran Home (for the Developmentally Disabled) that Mr. Lopez had molested them over a period of about two weeks. The home called in the Sheriff's Dept. who undertook an investigation conducted by Deputy Sheriff M. Yingling. I feel that Mr. Yingling conducted a valid investigation, including questioning of both James and Jeff. His report to the District Attorney was processed by two Deputy District Attorneys.

Mr. David L. Himelson, Deputy in Charge, Sexual Assault and Child Abuse Unit, Orange County District Attorney's office, advised the Sheriff's office that because of: denial by Mr. Lopez; negative medical reports; and lack of credibility of both Jeff and Jim that there appears to be no likelihood of conviction and, therefore, the District Attorney declines to prosecute. At a meeting with Mr. Himelson subsequently all concerned discussed the situation but the result was the same--decline to prosecute.

Although there is substantial documentation available to indicate how to overcome potential lack of competency or credibility, the Orange County District Attorney seems unwilling to make the effort to prosecute using such available guidelines. Therefore, developmentally disabled adults do not receive a fair opportunity to present their case when sexual abuse occurs. This attitude must be changed.

The only alternative appears to be changes in state legislation which will give developmentally disabled adults the same sort of legal protection as is now afforded children in child abuse cases. This seems to be reasonable since most developmentally disabled adults have intellectual levels comparable to minors.

I sincerely hope that your commission will press for such legislation and a change in attitude on the part of District Attorneys. People like my son, James, are really not able to defend themselves and cannot now look to the penal code for support and assistance in presenting their case in the courts for equal address of grievances.

Sincerely,

  
Jack Manseau

*Orange County Register*  
**FACE IN THE CROWD: GARY KUSUNOKI**

*7-25-85*

# He advises police on ethnic groups

Gary Kusunoki is a third-generation, Japanese-American police officer who admits he wouldn't know a dorobo from a tako.

A dorobo, in Japanese, is a crook. Kusunoki knows that tako, in Japanese, is octopus only because he has managed to master the menus in most Japanese restaurants.

It bothers him as a police officer that reading menus is about all he knows of the culture of the country of his roots.

"I think it points up how ill-equipped so many officers like me are to deal with the cultural, customs and language differences of various ethnic groups and individuals in our communities today," he said.

"I spring from Japanese stock, but I don't know anything about the problems new Japanese immigrants might have in our streets, should I be called upon to evaluate a situation in which one of them might become involved."

Kusunoki has been a police officer for four years in San Clemente. He said his strongest suit as an officer is his awareness of the gulf that sometimes exists between police and ethnic groups.

He and a fellow officer, Sgt. Hector Rivera, have worked for five months preparing a seminar on the need for such human-relations training, and he will present it Oct. 13 before 6,000 police chiefs gathering in Houston from all over the world.

"We first developed a series of seminars on human relations and sub-cultures to be offered to police officers at Chapman College in September," Kusunoki said, "but we realize that such programs will never get off the ground unless they are supported at the top."

"So we prepared an executive development course for law-enforcement chiefs to show them the need for such training."

"Policemen usually come from middle-class families, whether they are Japanese-American, Mexican-American, white or black," he said. "Few, if any, of us can really identify with other than the people and environment from which we came ourselves."

"I know it is impossible for police officers to know everything about the different types of people and cultures with which they have to deal in the streets, but I think we might have taken a step backward in trying to equip ourselves to handle the problem."

The step backward, Kusunoki said, was when police departments moved away from racial-relations training toward hiring people from various ethnic backgrounds.

"It was assumed that when particular problems arose among particular groups or individuals, the departments would have officers on hand familiar with different languages and customs" he said.

"But just as I don't know much about Japan and the Japanese."

even black officers aren't that conversant with the type of environment and lifestyle of the black individuals he might be called upon to deal with in the streets.

"If officers are going to operate in different communities, they need to know how that particular culture operates, even down to the body language of particular groups to warn officers of danger."

And, just in case some chiefs miss the international conference, they will find the message in print in the latest issue of their

house organ, The Police Chief, in an article by Kusunoki and Rivera.

Kusunoki writes: "The police subculture has a tendency to be very opinionated and sometimes prejudicial in its dealings with others, and this prejudice is often subconsciously directed at anyone who is not a cop."

Strong words for a 26-year-old officer. But Kusunoki is a man with a mission.

Forest Kimler The Register

JOHN K. VAN DE KAMP  
Attorney General

State of California  
DEPARTMENT OF JUSTICE



COMMISSION ON RACIAL, ETHNIC, RELIGIOUS  
AND MINORITY VIOLENCE

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SACRAMENTO 95814  
(916) 445-9555

### NOTICE OF MEETING

Attorney General John K. Van de Kamp's Commission on Racial, Ethnic, Religious and Minority Violence will meet on Monday, August 26, 1985, at the City Council Chambers, 3900 Main Street, Riverside, beginning at 9:00 a.m., and adjourn at approximately 4:30 p.m.

The Commission will also meet in subcommittee worksessions on Sunday, August 25, 1985, from 3:00 p.m. to 5:00 p.m., at the Quality Inn, 1150 University Avenue, Riverside, to consider issues and proposed recommendations for development of its final report to the Attorney General.

The public is invited to attend the meetings.

For further information contact: Marty Mercado, Chief, Office of Community and Consumer Affairs, Office of the Attorney General, 1515 K Street, Sacramento, (916) 324-7859.

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Office of the Attorney General — John K. Van de Kamp

# News Advisory

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August 19, 1985

Attorney General John K. Van de Kamp's Commission on Racial, Ethnic, Religious and Minority Violence will meet on Monday, August 26, 1985, at the City Council Chambers, 3900 Main Street, Riverside, beginning at 9:00 a.m., and adjourn at approximately 4:30 p.m.

The Commission will hear presentations by the Riverside Chapter of the NAACP and the Los Angeles Crime Victims Center, as well as reports by commission members on the Problems of Elder Abuse and the Disabled.

The Commission will also meet in subcommittee worksessions on Sunday, August 25, 1985, from 3:00 p.m. to 5:00 p.m., at the Quality Inn, 1150 University Avenue, Riverside, to consider issues and proposed recommendations for development of its final report to the Attorney General.

The public is invited to attend the meetings.

The Attorney General's Commission on Racial, Ethnic, Religious, and Minority Violence was created in May 1984 to conduct a two-year investigation of incidents of violence based on discrimination against members of minority communities.

For further information contact: Marty Mercado, Chief, Office of Community and Consumer Affairs, Office of the Attorney General, 1515 K Street, Sacramento, (916) 324-7859.

# ATTORNEY GENERAL'S COMMISSION ON RACIAL, ETHNIC, RELIGIOUS, AND MINORITY VIOLENCE



John Van de Kamp  
Attorney General

## COMMISSIONERS

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Marty Mercado
Coordinator
(916) 324-7859

August 12, 1985

Honorable John K. Van de Kamp
Attorney General
3580 Wilshire Blvd., Room 800
Los Angeles, California 90010

Dear John:

Pursuant to the mandate of your Commission, we have been gathering information on the nature and magnitude of violence directed against racial, ethnic, religious and other minorities. We have been struck by the frequency of these incidents on our school campuses. According to one report, 46.8% of the students in our schools are minority students.

California has a rich history of racial, ethnic, religious and lifestyle differences, and tensions seem to reappear with each new generation. One of the best places to start to reduce these generational antagonisms is our schools. We have been heartened by the presence (although limited) on some campuses of programs designed to reduce such tensions by teaching young people how to relate to one another. Such programs serve an extremely useful purpose; essentially, students are taught to acknowledge, respect and indeed, value their differences.

One such program which has come to our attention is "Hands-Across-the-Campus", which was developed by Dr. Sid Brickman, Superintendent in the Los Angeles Unified School District. The program is designed to foster inter-cultural and inter-racial understanding and respect as part of the yearly school curriculum, and is currently being used in 17 secondary schools in the Los Angeles district. We understand there are other similar programs in existence, but there is no statewide direction for identification and development of a strategy for implementation of such programs on a statewide basis.

We understand that your office would, of course, have a limited role to play in dissemination of information on such programs. However, in view of the fact that such programs would have as one of their goals the reduction of campus violence, we would urge you to explore with Superintendent Bill Honig ways in which information on these programs can be made more widely available.

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Hon. John K. Van de Kamp
August 12, 1985
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Please consider this letter a general endorsement by the RERMV Commissioners for cultural awareness programs, such as "Hands-Across-the-Campus", and a request that you communicate to Superintendent Honig the need for identification of other programs and the development of a strategy for statewide implementation.

Thank you for your attention and consideration.

Sincerely yours,

Msgr. William J. Barry
Chairman

cc: Commission Members

Bcc: *Manning*
Martin Johnston